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ROYAL COMMISSION OF INQUIRY INTO CERTAIN DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND RELATED MATTERS.

Hearing held 8th floor 180 Dundas Street West Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange

Commissioner

P.S.A. Lamek, Q.C.

Counsel

E.A. Cronk

Associate Counsel

Thomas Millar

Administrator

Transcript of evidence for

MARCH 7, 1984

VOLUME 116

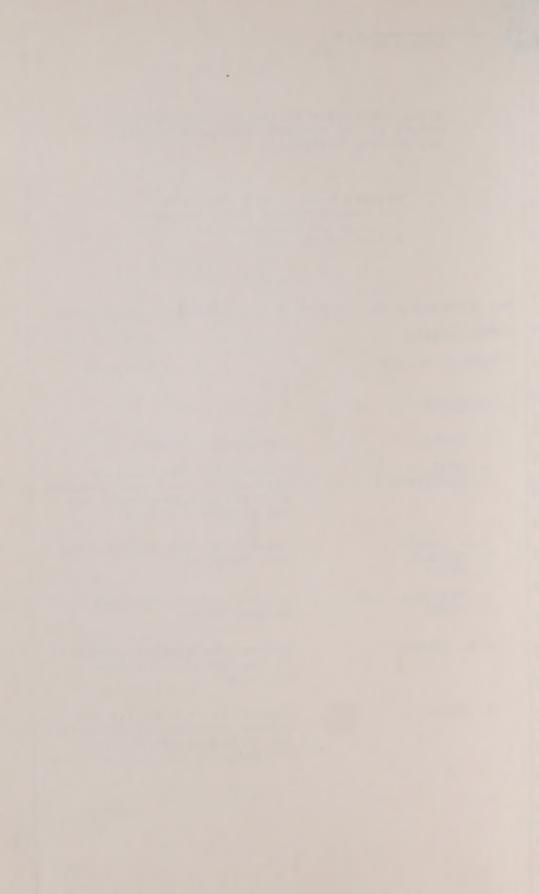
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595-1065



1 ROYAL COMMISSION OF INQUIRY INTO CERTAIN DEATHS AT THE HOSPITAL FOR SICK CHILDREN 2 AND RELATED MATTERS. 3 Hearing held on the 8th Floor, 4 180 Dundas Street West, Toronto, Ontario, on Wednesday, the 7th 5 day of March, 1984. 6 7 THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner 8 THOMAS MILLAR - Administrator MURRAY R. ELLIOT - Registrar 9 10 APPEARANCES 11 E. CRONK Commission Counsel 12 D. HUNT Counsel for the Attorney L. CECCHETTO) General and Solicitor General 13 of Ontario (Crown Attorneys and Coroner's Office) 14 I.J. ROLAND) Counsel for The Hospital for 15 M. THOMSON) Sick Children R. BATTY 16 B. PERCIVAL, Q.C. Counsel for The Metropolitan D. YOUNG Toronto Police 17 W.N. ORTVED Counsel for numerous Doctors 18 at The Hospital for Sick Children 19 B. SYMES Counsel for the Registered 20 Nurses' Association of Ontario and 35 Registered Nurses at 21 The Hospital for Sick Children 22 23 (Cont'd) .. 24



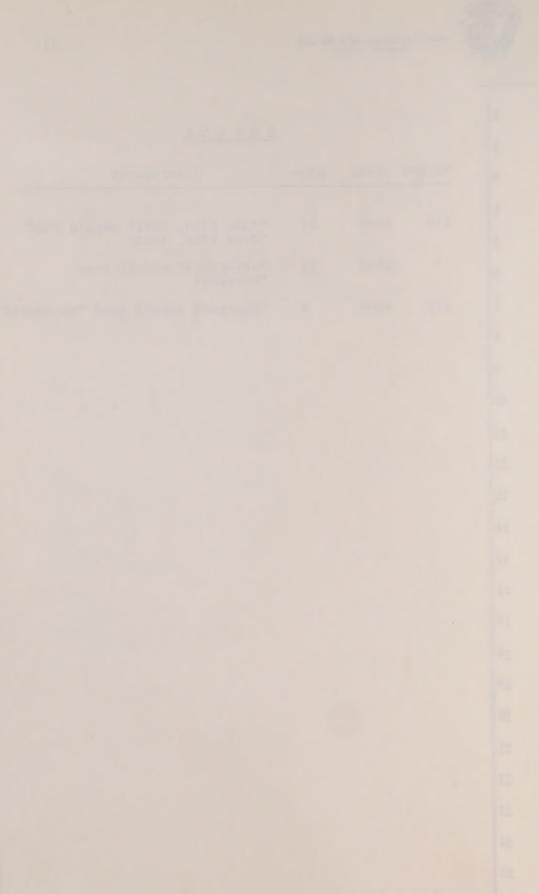


1	APPEARANCES (CONTIN	UED):
2	2	
3	D. BROWN	Counsel for Susan Nelles - Nurse
4		Counsel for Phyllis Trayner - Nurse
5	M. ROSENBERG	Counsel for Sui Scott - Nurse
7	J.A. OT.AH	Counsel for Janet Brownless - R.N.A.
8	B. KNAZAN	Counsel for Mrs. M. Christie - R.N.A.
9	S. LABOW	
10		Counsel for Mr. & Mrs. Gosselin, Mr. & Mrs. Gionas, Mr. & Mrs. Inwood, Mr. & Mrs. Turner, Mr. &
11		Mrs. Lutes, and Mr. & Mrs. Murphy (parents of deceased children)
12	F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased
13 14		child Stephanie Lombardo); and Heather Dawson (mother of
14		deceased child Amber Dawson)
15	W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child
16		Jordan Hines)
17	J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of
18		deceased child Kevin Pacsai).
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ERRATA

Volume	Page	Line	Discrepancy					
110	4845	22	"June 17th, 1981" should read "June 17th, 1982"					
810	4990	13	"afternoon" should read "morning"					
112	5209	6	"changed" should read "unchanged".					



Page No.



No.

INDEX OF WITNESSES

Mame

Page No.

BROWNLESS, Janet (Resumed) 6171

Direct Examination by Ms. Cronk (Cont'd) 6171

INDEX OF EXHIBITS Description

379	Notes made by Janet Brownless.	6284
376	List of arrests at which [Omitted Janet Brownless present. Transc: Volume	ript

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--- Upon commencing at 9:35 a.m.

JANET BROWNLESS, Resumed

THE COMMISSIONER: Yes, Mrs. Cronk.

MS. CRONK: Thank you, sir.

DIRECT EXAMINATION BY MS. CRONK: (Continued)

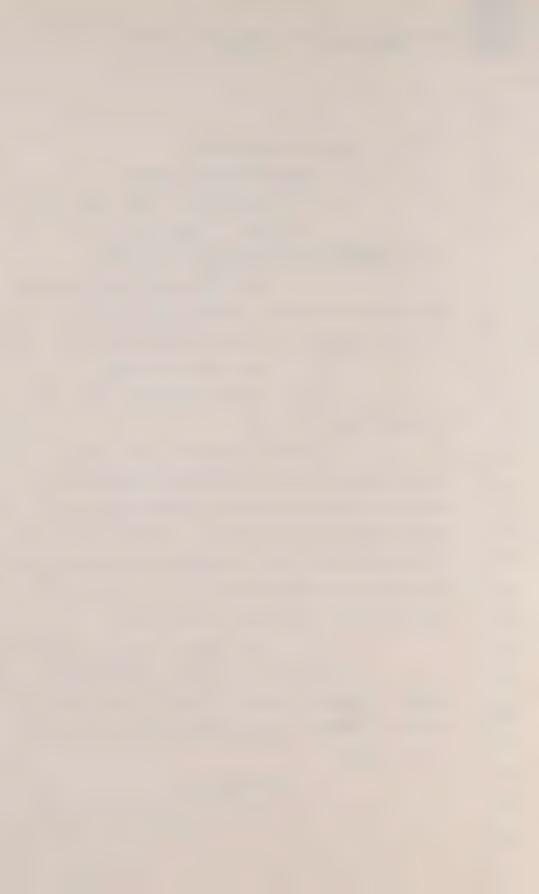
Q. You will recall that yesterday, at the end of the day -- let me start by saying, do we have a microphone on now that you think might work?

A. I am wired for sound.

Q. You are wired for sound. Can we proceed then.

You will remember at the end of the day yesterday that I was discussing with you what I described as the atmosphere on Wards 4A and 4B in the fall of 1980 and I asked you, towards the end of the day, whether or not you were aware, at that time, of any particular stress being felt by any of the nurses on 4A and 4B. Do you recall that?

- A. Which day are you talking about?
- Q. I am talking generally about October, November, the fall of 1980. That is the question I asked. Do you remember the discussion in
 - A. Briefly, yes.
 - Q. Okay. Were you, at any time in



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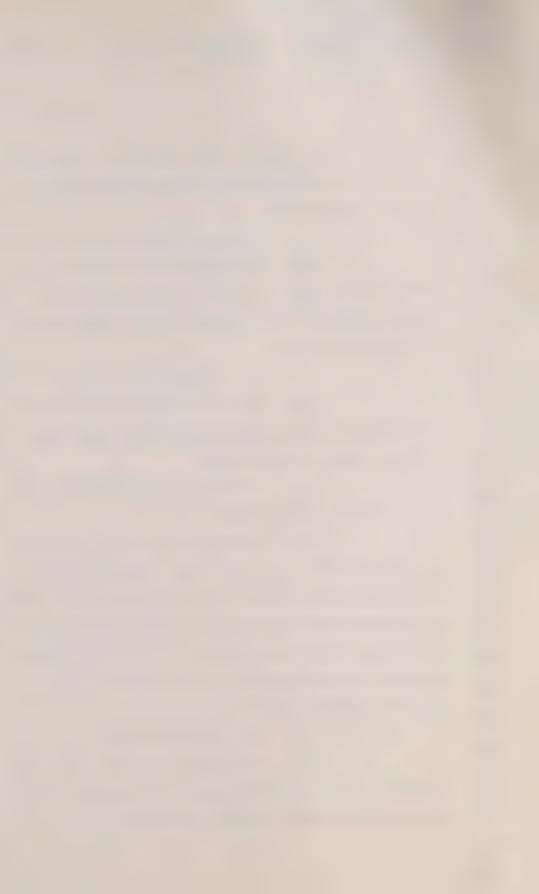
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the fall of 1980, aware of any conflict or conflicts that mainly existed between members of the Phyllis Trayner nursing team?

- I was not aware of any conflicts.
- Were you aware of any disagreement or disagreements which may have taken place between members of the Phyllis Trayner nursing team in the fall of 1980?
 - A. Not in the fall of 1980.
- Well, was there a time when you became aware of disagreements which had taken place between members of that team?
- I heard of a disagreement once after Jordan Hines had died.
- Perhaps we will deal with that 0. then when we come to Jordan Hines. Other than that episode were you, at any time prior to March of 1981, when Jordan Hines died, aware of any tension or disagreements between any members of the Phyllis Trayner nursing team and specifically any between Phyllis Trayner and Susan Nelles?
 - Not to my knowledge.
- Q. Do you recall at any time, Miss Brownless, hearing a team leader on 4A remark: "It's for the team leader to settle arguments"?



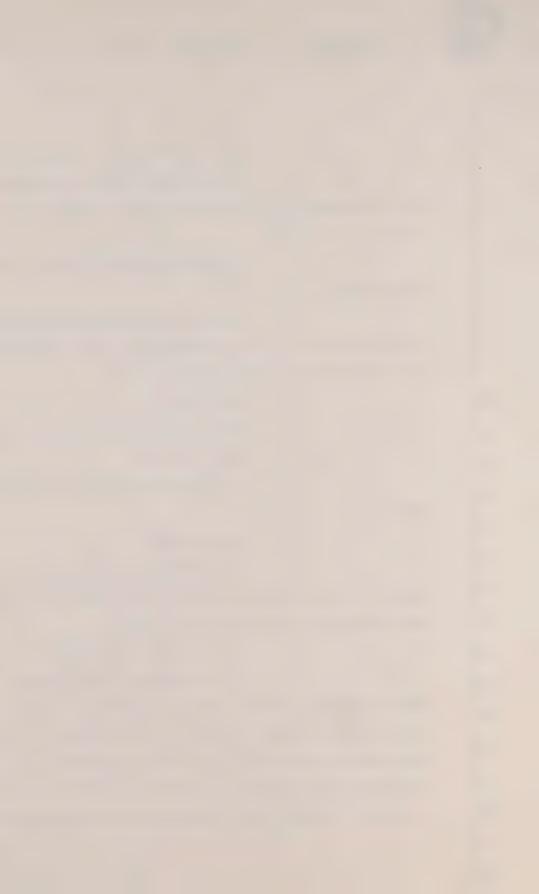
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A. No, I don't recall that remark. Q. Do you recall being interviewed by representatives of the Metropolitan Toronto Police on November 9, 1982? Α. I don't recall what date I was interviewed. Q. Do you recall being interviewed at some point by Staff Sergeant Wolfe and a Sergeant Low of the Metropolitan Toronto Police? Yes, I do. Α. Q. Those names are familiar to you? Yes, they are. Α. Q. Did they interview you at some point? Α. Yes they did. If I suggested to you that the 0. interview took place on November 9th, 1982, would you have any reason to disagree with that? No, I wouldn't disagree. Α. If I suggested to you further that during the course of that interview with those two officers you were recorded in the officer's notebook as having said that you heard a particular 4A team leader say: "It is for the team leader to settle

arguments"? Would that help you refresh your memory,



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as to any disagreement or disagreements that may have taken place between members of the Phyllis Trayner nursing team?

- A. No.
- Q. Do you recall making that remark?
- A. No, I don't recall making that

remark.

Q. Do you recall one way or the

other?

other.

- A. I don't recall one way or the
 - Q. It is possible that you did?
 - A. It is possible that I could

have.

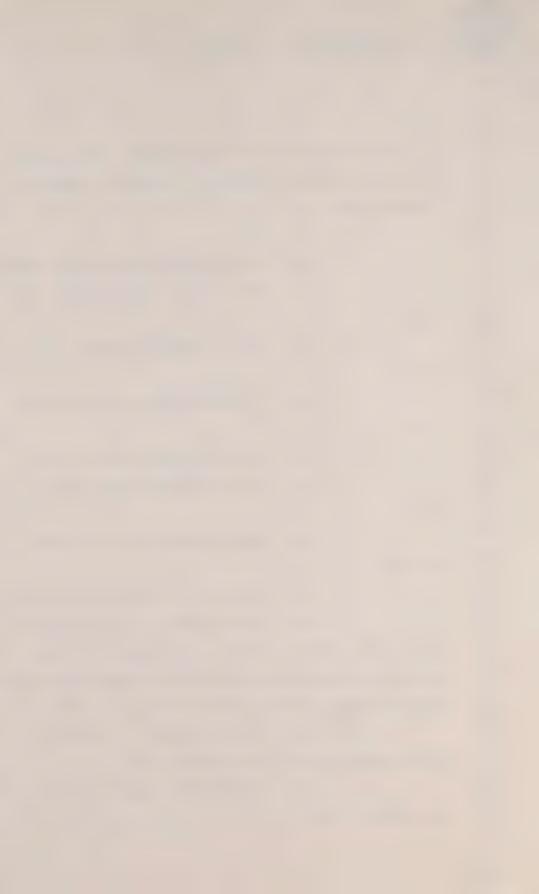
Q. But you are not denying that

you did?

- A. No I am not denying that I did.
- Q. Do you have any recollection at all of any incidents, of which you learned or any incident you observed, during which a team leader was heard to make a remark of that kind in Ward 4A?

A. I don't recall. It doesn't bring anything back to my memory at all.

Q. Do you recall any discussion in the fall of 1980 --



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THE COMMISSIONER: Excuse me, just one second. Yes, all right; I am sorry.

MS. CRONK: Q. Dealing with the same time period, Miss Brownless, do you recall any discussion in the fall of 1980 regarding the splitting up of any of the Ward 4A nursing teams?

A. I recall a discussion of splitting up teams, but I can't recall when it happened.

Q. Can you tell me who was present during the discussion?

A. I am not sure if it was Mary Jane Halpenny, Susan Reaper, Bertha Bell.

Q. I am sorry, I am having trouble hearing you. Speak up a bit.

A. I am not sure if it was Mary

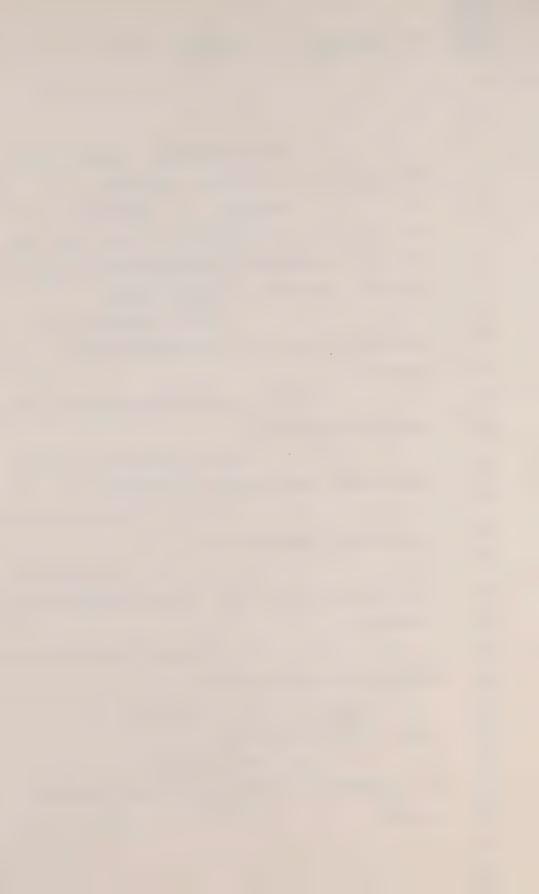
Jane Halpenny, Susan Reaper, Bertha Bell and Phyllis

and myself.

Q. Do you recall anyone else being present during the discussion?

A. There could have been more people, but I don't recall.

Q. Do you recall, for example, Mrs. Radojewski, the head nurse on Ward 4A, being present?



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A. I can't say for sure she was there or not.

Q. Do you recall Susan Nelles was present?

A. I can't say if Susan was there or not.

0. What was the nature of the discussion, as you remember it?

Α. Anything I can recall is that the girls didn't want to be split up.

0. Was the conversation focused on the splitting up of a particular team?

> Α. I can't recall.

Q. Do you recall why it was that the matter was raised at all?

A. No, I don't know why it was raised.

Q. What was your understanding, Miss Brownless, as to why there was a discussion being held about the splitting up of a team or teams on 4A?

> This is in the fall? Α.

Q. The discussion that you remembered, the one you are telling me about.

A. I can't recall why the discussion



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			Q.	You	told	me	you	Ca	annot	ren	nembe	13
exactly	when	it	occuri	red.	Can	you	tel	.1	me,	can	you	

go this far, do you recall whether it was before Christmas or after Christmas of 1980?

- I think it was before Christmas.
- 0. Do you recall whether it was shortly after the death of Richard McKeil or Antonio Adamo?
 - I couldn't narrow it down.
- I take it, however, -- can you help me with this: do you recall the discussion taking place shortly after you had started on the ward? We know you started on the ward, effectively, on September 8th or do you recall it being some time after that?
 - It was some time after that. Α.
- 0. Are you telling me today, Miss Brownless, that although you heard this discussion, and I take it participated in the discussion or were present when the discussion took place?
 - Α. Yes.
 - 0. Is that right?
 - As best as I can remember, yes. Α.
 - That you did not have any 0.



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understanding	as	to	why	the	matter	was	being	raised?
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No, I didn't have any understanding.

- Q. Do you recall being interviewed by Commission Staff on Tuesday, February 28th of this year, in order to review the nature of the evidence that you would be giving at these hearings?
 - Α. Yes, I do.
- Do you recall your own lawyer, Mr. Olah, being present at that meeting?
 - Α. Yes, I do.
- 0. And Miss Fineberg and myself and the Commission Staff?
 - Α. Yes, I do.
- Do you recall being asked about this very issue at that meeting?
 - Α. Yes.
- Q. If I suggested to you that at that meeting you indicated that the discussion which you heard focused on whether or not Phyllis Trayner's nursing team should be split up and that you understood the matter was being raised, because of stress that was then being experienced by the members of that team. Does that accord with your recollection of your discussion about it last week?



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A. Yes, it does.

Q. A few moments ago you didn't remember why it was that you thought the matter had been raised, nor did you remember whether it was particular to any nursing team.

A. I am sorry, I didn't recall what we talked about the other day.

THE COMMISSIONER: I am sorry, what was it you didn't recall?

THE WITNESS: I didn't recall the conversation we had the other Tuesday.

THE COMMISSIONER: That is not the problem. The problem is that you don't seem to recall what happened. You did remember it last Tuesday, but you don't remember it now. This is what I am finding difficult. Did it happen?

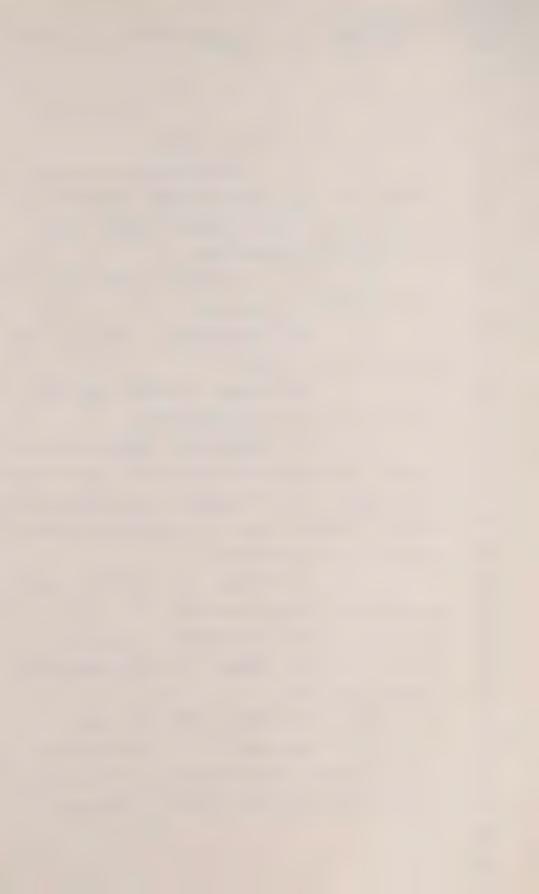
THE WITNESS: Yes, it did. I just am nervous and I forgot about it.

THE COMMISSIONER: I am sorry?

THE WITNESS: I am just nervous and I forgot about it.

THE COMMISSIONER: All right.

MS. CRONK: Q. I understand, at least my questions, Miss Brownless, I am not being critical in any way, but I do have to understand



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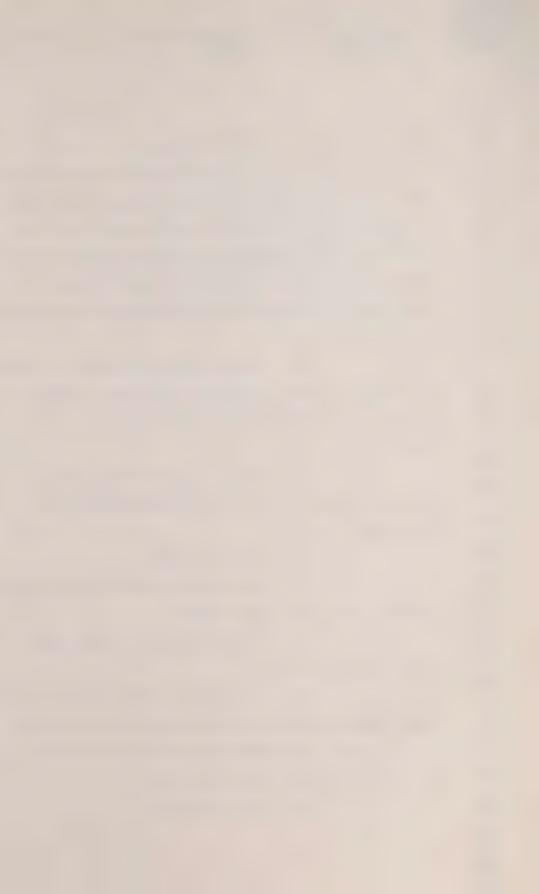
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whether there was some basis for you to say last week, as you have told me you did, that you remembered this conversation with more detail than you have told us this morning that you do. Do you have, with the benefit of the discussion last week recalled to your mind, do you have a clear recollection of what specifically was being discussed amongst those nurses on this occasion?

Α. Not a clear recollection of what was being discussed. The only thing I can remember is there was discussed that there was stress on the team.

- Q. Was it a particular team in respect of whom it was felt that stress had to be dealt with?
 - A. Nurse Trayner's.
- Q. Why did you understand that that particular team was under stress?
- A. I can't recall why they were under a lot of stress.
- Q. You told me previously that the first time that you became aware that there had been a large number of arrests and deaths on the wards was after the death of Jordan Hines?
 - A. That's correct.



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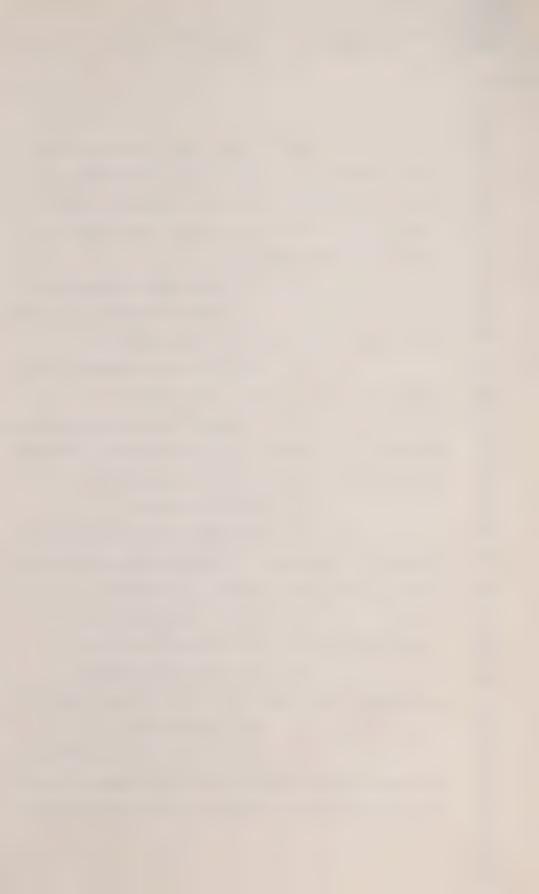
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	Q. Do	you now,	with the	e benefit o) :
that discussion	in mind	, have any	recolle	ction of	
having discussed	with an	ny of the n	nurses o	n Ward 4A	
during the fall	of 1980	the death:	s that ha	ad been	
occurring on tho	se wards	3?			

- Α. Not the number of deaths, no.
- Can you tell me what the result of the discussion was as you understood it?
- Α. That the team would have been broken up. That is all I can remember.
- Q. I believe you started by telling me that you can recall that the members of the team did not wish to be split up; is that correct?
 - That is correct.
- Were there any nurses present during that discussion who expressed the view that it would be advisable to break the team up?
- A. I can't recall if they were expressed that they wanted to be broken up.
- But you have a distinct 0. recollection that some, if not all, didn't want to?
 - That is correct.
- Other than that one discussion did you, at any subsequent time, participate in any discussion about the breaking up the nursing team on

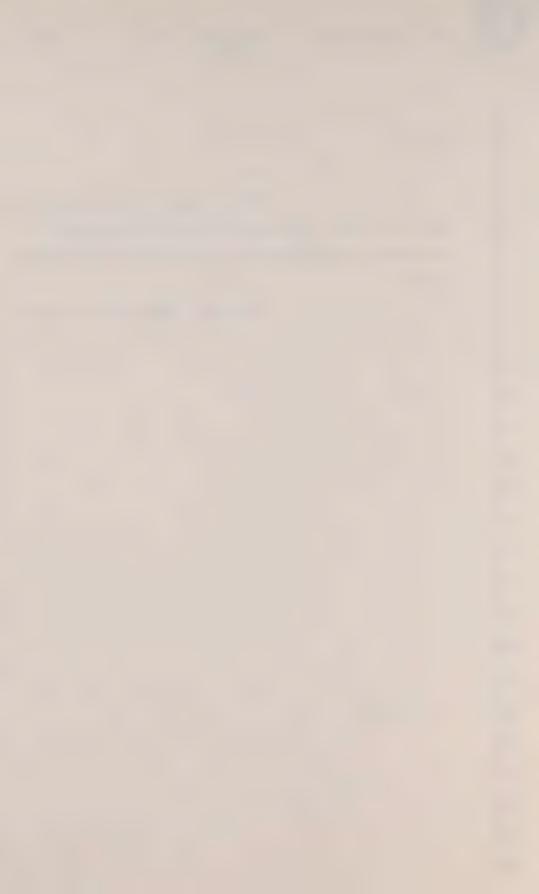


Ward 4A?

A. No.

Q. Was it brought to your attention that there were discussions about the matter continuing after you had had your own discussion with those women?

> A. Could you repeat the question?





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Q. Perhaps I put it awkwardly. Did you ever learn again from anyone that there were similar discussions ongoing with other nurses on the ward about whether a particular team should be broken up?

A. No, I never heard of any other discussions.

Q. Was that then the only time of which you are aware when the matter was discussed?

A. That's correct.

Q. Did you ever raise it or discuss it with your head nurse Mrs. Radojewski?

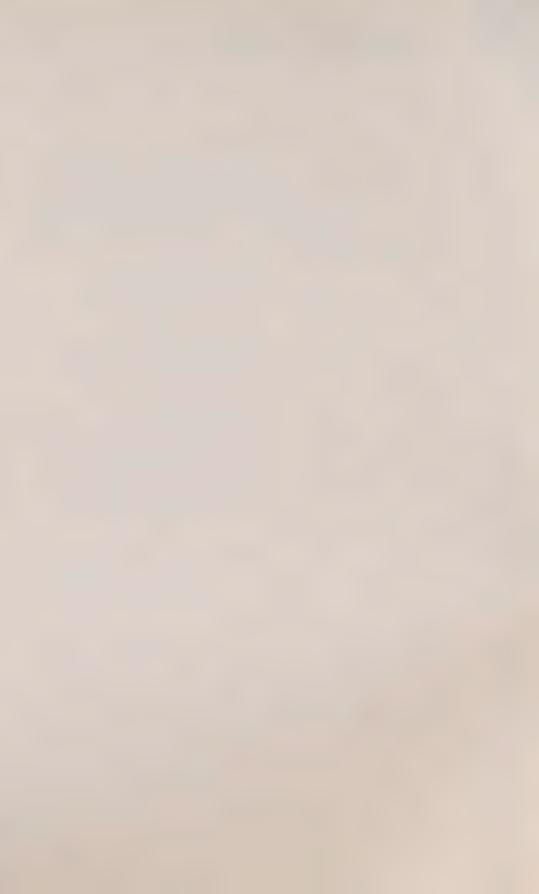
A. I don't recall, I don't think so.

Q. Could we turn then to the death of Janice Estrella. She died on January 11th, 1981 at approximately 3:22 in the morning. Could we start with the Ward 4A assignment books. Mr. Registrar, could you show the witness please Exhibit 32A. Could you turn please to Tab 13, page 38 if you would please, Miss Brownless.

A. I have it.

Q. Do you have that?

A. Yes.



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Q. All right. I direct your attention to the duty assignments for the long night shift during the night of January the 10th. As I read it Mrs. Trayner was in charge that night and had no patient assignments, is that correct?

> Α. That's correct.

And if we look to the evening entries, that is, from 3 in the afternoon until 11 at night we see that Janice Estrella during that period of time had been in Room 423 on constant nursing care?

> A. That's correct.

Q. And at that point she had been in the care of Miss Ganassin?

> That's correct. Α.

And then starting at 7:15, the shift change for the long night, she appears to have been in the care of Mrs. Sui Scott again on a constant nursing care basis?

A. That's correct.

All right. And your own 0. assignments that evening, you had four children in Room 418?

> That's right. Α.

And Mrs. Christie had two 0.



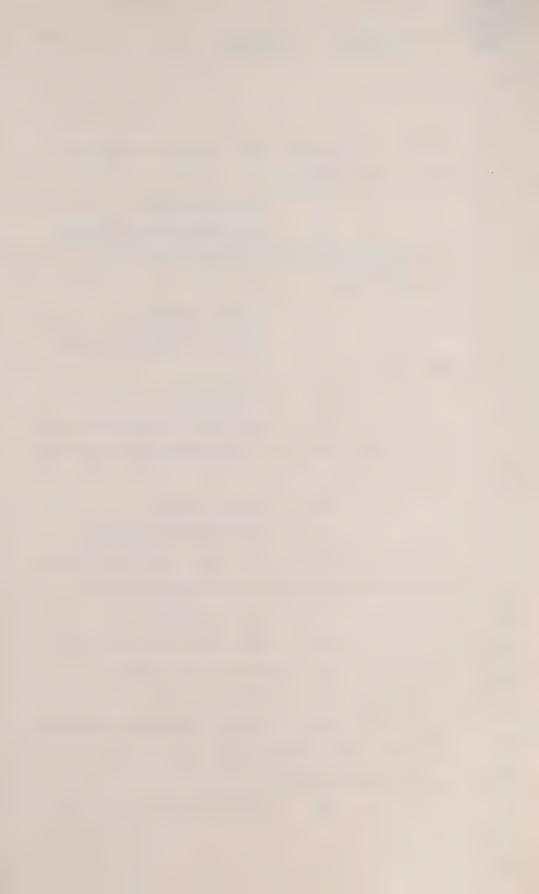
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children in Room 425, two in Room 421 and two in 426, is that correct?

- A. That's correct.
- Q. Am I correct in my understanding that Room 423 was used on Ward 4A as an isolation room?
 - A. That's correct.
 - Q. It was at that time a one

bed room?

- A. It still is.
- Q. All right. So that the only child in that room that night would have been Janice Estrella?
 - A. That's correct.
- Q. And because she was on constant nursing care Mrs. Scott would have had no other patients assigned to her that evening?
 - A. That's correct.
- Q. Nor would any other nurses have had any other patients in that room?
 - A. That's correct.
- Q. Could I ask you to turn now to Tab 14, which is the 4B assignment book for that night at pages 6 and 7.
 - A. I have that.



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Ç	Do you	u have that.	The 4B
team appears to	have, on the	long night s	hift, appear:
to have comprise	ed of Mrs. Bel	ll, Bertha Be	ll as the
nurse in charge	and she also	had one pati	ent in
Room 433, is tha	at correct?		

Α. That's correct.

0. Miss Parcel's who had three children in one room.

> Α. That's right.

0. Miss Harwood Jones who had five children in three different rooms.

> Α. That's correct.

0. And Miss Frise three children

in one room?

TORONTO, ONTARIO

That's correct. It looks A. like Debbie Harwood Jones had another one.

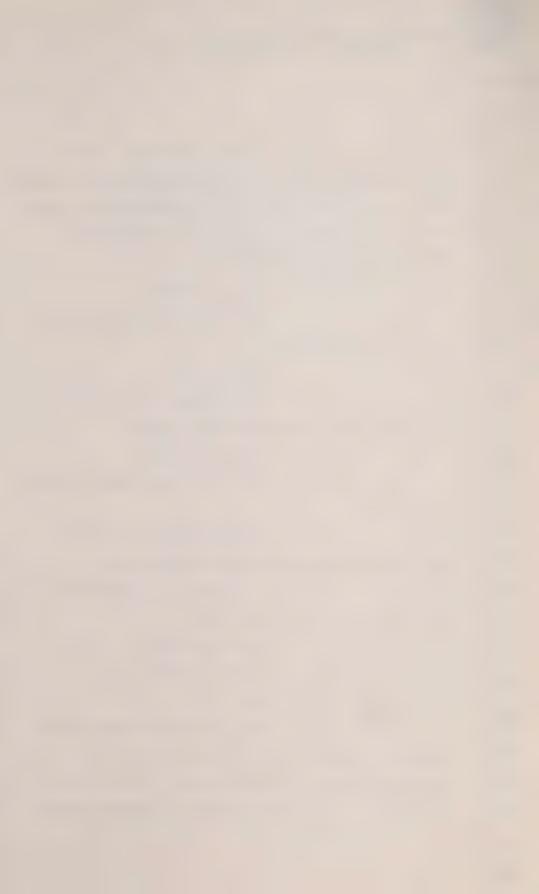
Q. I am sorry, that was what I was counting for a total of five.

> Oh, I am sorry. A.

Is that right? 0.

A. -Yes.

Q. When you came on duty on the night of January 10th, Miss Brownless, and I recognize that your patients were in Room 418 and you were not assigned to the care of Janice Estrella



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but were you informed when you came on duty that night that she had had an arrest some four days earlier on January the 7th?

- A. I don't recall.
- Q. Were you aware of it that
- A. I can't say for sure.
- Q. Were you aware that night that her digoxin levels over the preceding days had been elevated on several occasions and that as a result her digoxin had been ordered discontinued?
 - A. I wasn't aware of that.
- Q. At any point prior to

 January 10th during the course of her last

 admission had you been assigned to the care of

 Janice Estrella?
 - A. Before January 10th?
 - Q. Yes.
 - A. I admitted Janice Estrella.
 - Q. All right.
- A. And I may have looked after her once or twice.
- Q. Well, do you recall now what her condition was felt to be at the beginning of that shift on January 10th?



Brownless, dr.ex. (Cronk)

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A. I can't recall.

Q. Do you recall what the condition of your own patients were that evening?

A. They were fairly stable.

Q. But I take it, quite apart from the stability of their condition that evening, in the normal course you have told us that you would not as a registered nursing assistant have been assigned to children perceived to be very sick.

Do I have that correctly?

A. That's correct.

Q. Do you recall having seen

Janice Estrella the night of January 10th prior

to her arrest?

A. Yes, I do.

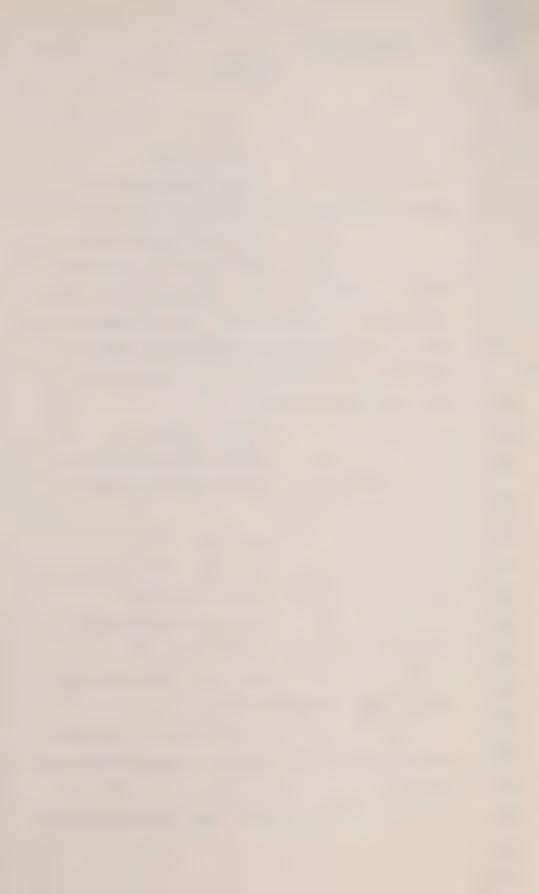
Q. All right. Can you tell me please when you first saw her that night.

A. It was some time before midnight, I can't say exactly what time.

Q. All right. What makes you think it was before midnight?

A. I recall going in the room and asking Sue if she was okay, if she needed anything, briefly.

Q. All right. You are referring



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now to Sui Scott?	
Α.	That is correct.
Q.	All right. And how did it
come about that you we	ent into 423, were you seeking
merely to speak to Mrs	s. Scott or did you have some
function to perform in	the room?
Α.	She was all alone in the room
and I thought I would	ask her if she needed anything.
Q.	What was Mrs. Scott doing
when you were in the r	coom?
Α.	The only thing I can recall,
she was standing at th	e bedside; I can't recall what
she was doing.	
Q.	Well, did you actually go
into the room?	
Α.	Just at the doorway, I didn't
go all the way in.	
Q.	Was there anyone else in the
room other than Mrs. S	cott?
Α.	I can't recall.
Q.	You have said that you can't
recall specifically who	at Mrs. Scott was doing, she
was standing at Janice	Estrella's bedside?
A.	That's correct.

Was she administering a

Q.





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around 10:30.

medication of any kind to the child while you were there?

I don't think so, I can't recall.

Q. Do you recall whether or not you had taken your first coffee break before or after you saw Mrs. Scott that night?

> A. I can't say.

0. Did you go into the room and speak to Mrs. Scott?

A. I can only remember standing at the doorway.

Do you recall when you did 0. in fact take your own coffee break that night?

No, I don't.

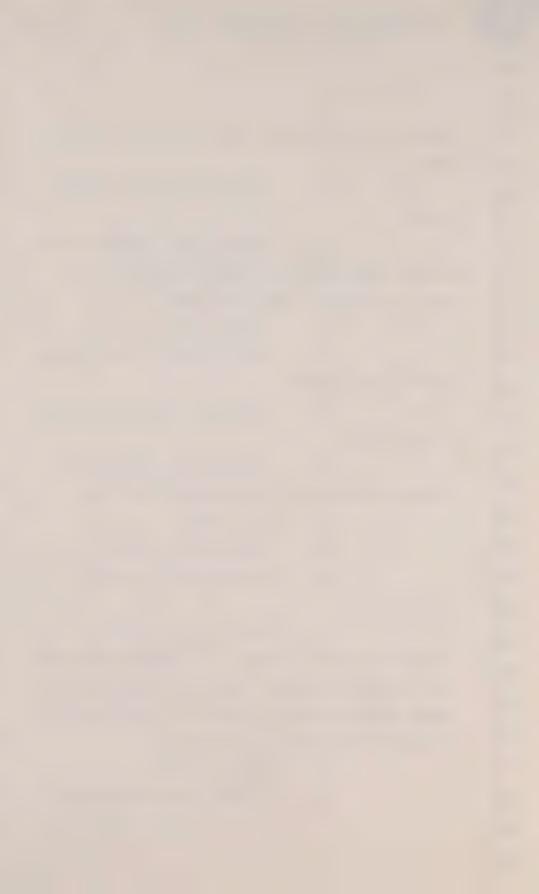
When did you usually do so?

Before midnight, usually Α.

Q. You had four patients in 418 and you have told us that their condition would have been relatively stable. Would it be fair of us to assume that you did take your first break somewhere at approximately 10:30 that evening?

That's correct.

Do you know when Sui Scott 0.



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took her first break that night?

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- A. No, I don't.
- We know that she was on constant nursing care and we also know that Mrs. Trayner was the nurse in charge on the ward that evening. Do you know who relieved Mrs. Scott for her first coffee break?
 - I think Phyllis Trayner did.

All right. Mrs. Scott

- 0. All right. You recall that she did so?
 - No, I don't recall. A.
- testified at the preliminary hearing, and this is found, sir, at Volume 6, page 1293 at the preliminary hearing, that she took her first coffee break after 10 or 10:30 p.m. and that she was gone for 20 or 30 minutes. Thinking back to that night and where you were before midnight, do you have any reason to

THE COMMISSIONER: Well, she may know nothing about it at all, Miss Cronk. I would be interested in knowing, do you have any recollection of the matter at all?

disagree with that evidence by Mrs. Scott?

THE WITNESS: I don't recall seeing Sui at all.



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say for sure.

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THE COMMISSIONER: Well, we are going to have her here. There may be some reason for it, I don't know, but we are going to have Mrs. Scott here?

MS. CRONK: Yes we are, sir. purpose is simply this. You have told us that you did see Mrs. Scott because you went to see if she needed anything?

- That's correct.
- Q. And you told us that you think was before midnight although you can't be more accurate as to the time?
 - That's correct.
- Do you recall at any time having had your break with Sui Scott at the nursing station before midnight that night?
- I don't recall who I took my break with.
- Do you know when Mrs. Scott took her lunch or supper break that night?
 - No, I don't. Α.
 - Do you know who relieved her? 0.
 - I presume Phyllis but I can't Α.
 - Again, are you presuming that Q.





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A. 0. nursing assistant, as are you? 0. Α.

because Mrs. Trayner was the nurse in charge? That's right, and Mrs. Christie and I were fairly busy.

- Mrs. Christie is a registered
 - That's correct.
- And in the normal course of events you have told us that registered nursing assistants do not relieve constant nursing care nurses for fixed breaks?
 - That's correct.
- Do you however recall relieving personally Mrs. Scott at any time that night even if for only a few moments?
- A. No, I didn't relieve her for a few moments.
- 0. At any time prior to midnight on January 10th do you recall seeing anyone in Janice Estrella's room other than Sui Scott?
 - I don't recall.
- Do you recall for example seeing Phyllis Trayner in her room prior to midnight?
 - I can't say for sure.
- Well, to help you with that, Miss Brownless, Mrs. Scott testified further at the



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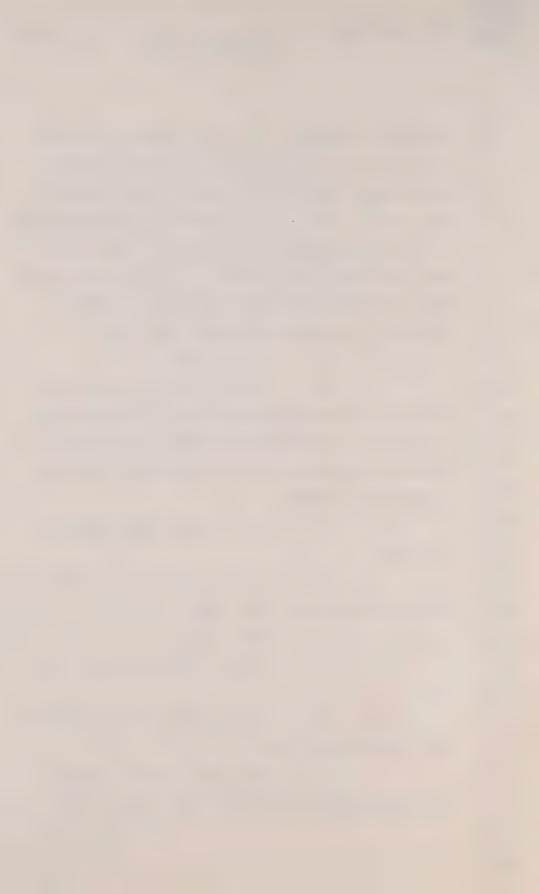
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preliminary hearing, and this is found, sir, Volume 6, page 1391, starting at page 1391 and continuing to 1392 that when she went out of Janice Estrella's room for her first coffee break that evening you were in Room 423 talking to Phyllis Trayner and that you were both there when she left. Do you recall having had a discussion with Phyllis Trayner in Janice Estrella's room before midnight that night?

- Α. No, I don't.
- Other than the one occasion which you have described when you have told us that you stood at the doorway and spoke to Sui Scott, do you recall being in Room 423 again that night prior to Estrella's arrest?
- Α. No, I don't recall being in the room.
- Do you recall who you had your 0. own dinner break with that night?
 - No, I don't.
 - Do you recall where you took 0.

- In the back of the conference Α. area where 4B gets report.
- Was there anything special 0. about the dinner arrangements that night amongst





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the nurses who had been working?

A. No, no there wasn't.

Q. Do you remember for example whether or not food had been ordered in by the nurses on 4A and 4B?

A. I don't recall.

Q. Do you remember at all seeing Sui Scott during your supper break at the nursing station?

A. No, I don't remember.



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 Ω_{\bullet} Do you recall seeing Mrs. Trayner and Janice Estrella in the room at any time after midnight?

A. I don't recall.

Once again, Ms. Brownless, Mrs. Scott testified at the preliminary hearing; it is found, sir, at page 1295-1296; that when she took her lunch break which she said was around 1:30 a.m. on January 10th, Phyllis Trayner relieved her and that you, she thought, perhaps had been in the room during that lunch or supper break, again speaking to Phyllis Trayner. Do you recall being in the room after midnight with Phyllis Trayner?

A. I don't recall.

Q. You don't have any recollection of being in Room 423 at all prior to Janice Estrella's arrest, other than the one occasion when you observed Sui Scott and asked her if she needed anything?

A. That's correct.

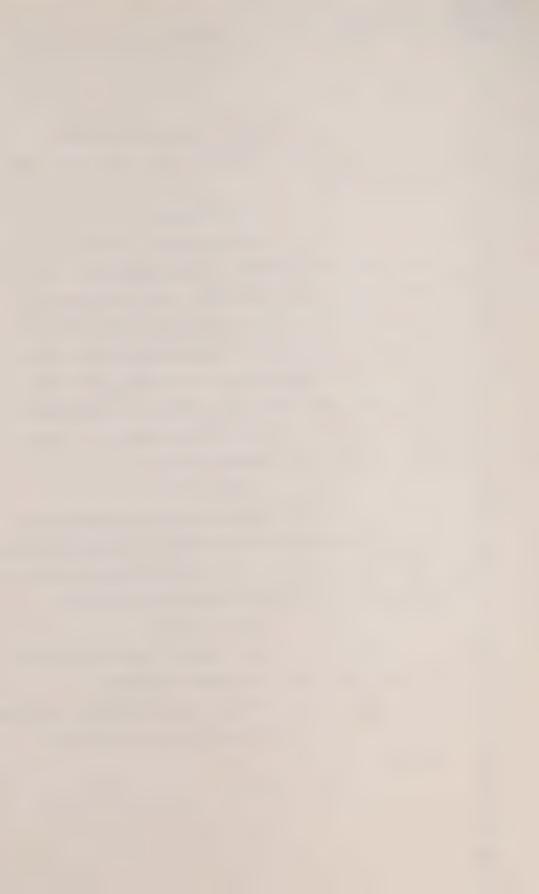
Q. What did Mrs. Scott say to you when you asked her if she needed anything?

A. She said that everything was fine.

Q. Did she ask you to get her a

coffee?

A. No.



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			Ω.	Dio	d she	ask	you	to	relieve	her
for	a	moment	while	she	went	and	got	a	coffee?	

A . No.

0. Do you recall at any point that night, Ms. Brownless, passing Room 423 and seeing it empty in the sense of no nurse being there, although Janice Estrella was there?

A. I had no reason to go down the hall that way because all my patients were in Room 418.

Just to put that into context, your patients were in 418, which is the six bed infant room immediately adjacent to the nursing station on Ward 4A?

That is correct.

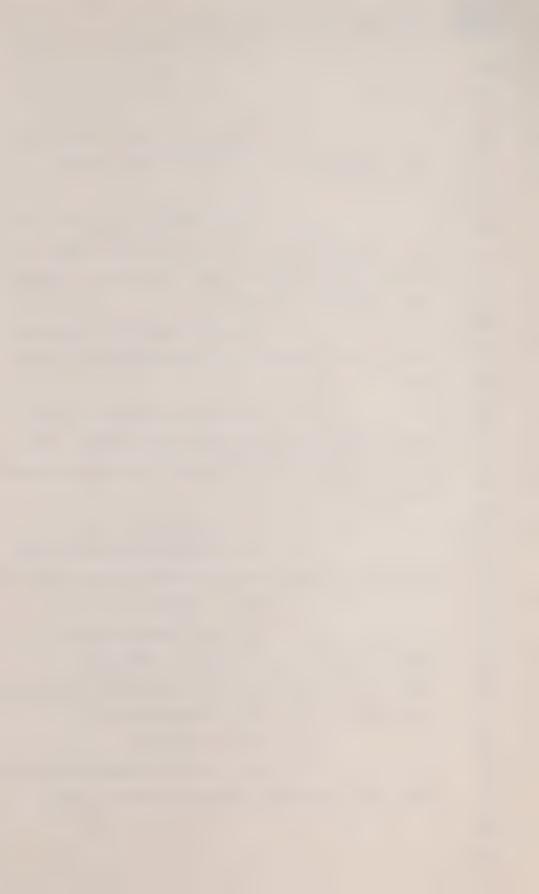
So, Janice Estrella was in the isolation one bedroom further down the hall, Room 423.

> That's correct. A.

0. So in the normal course of events if you were not looking for Sui Scott, or looking for another nurse, you would not have had any reason are you saying to go down the hall?

A. That is correct.

MS. CRONK: Would you show the witness, please, Mr. Registrar, Exhibit 91 which is Janice



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one or not.

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Estrella's medical chart.

Q. I would ask you to turn, Ms. Brownless, if you would please to Page 53.

A. I have it.

Ω. Earlier in the evening, before midnight, when you had gone to see if Mrs. Scott required anything, or you could help her in any way, you told us that she was standing at the bedside of Janice Estrella, although you can't recall what she was doing, is that correct?

A. That is correct.

 Ω_{\star} Do you remember observing at that time that Janice Estrella had an I.V. running?

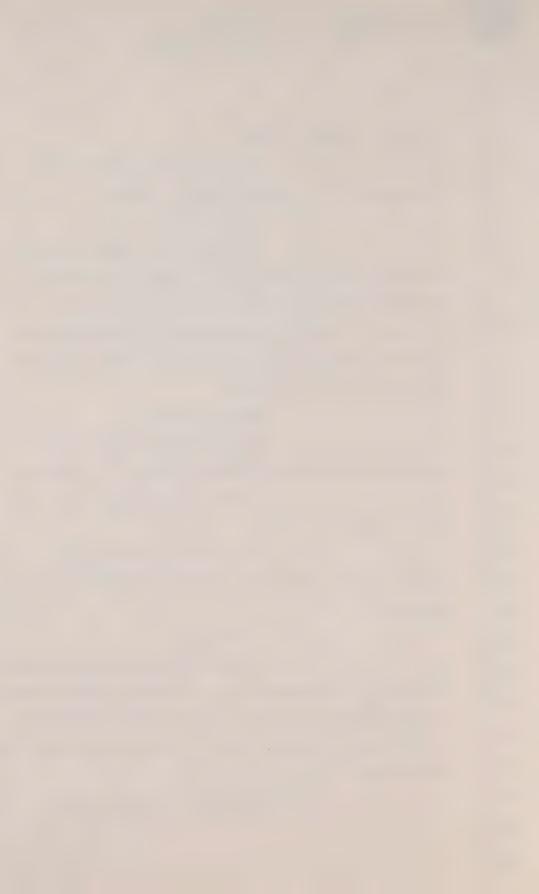
A. I can't say for sure if she had

Q. Did you notice at the time whether or not there was a sticker attached to her buretrol?

A. I can't say.

 Ω . I ask you to look at the medication record, it appears that at 10:00 on January 10th a dose of aldactazide was administered intravenously by Ms. Scott to Janice Estrella; do you see that, at 2200 hours?

A. Aldactazide intravenously?





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		Ω.		I'm sorry,		orally,	you	are	quite
correct;	at	2200	by	Ms.	Scott?				

I see her signature.

Q. And similarly, according to the time entries on the medication record a dose of ampicillin should have been administered at midnight intravenously, but according to the time entry above Mrs. Scott's signature it appears to have been given at 1:30 in the morning and she has signed off on that medication, do you see that?

> Α. Yes, I do.

Did you see either of those medications being given to Janice Estrella?

> No, I didn't. Α.

Q. Did you at any time that evening, prior to her arrest, at any time, observe anyone administering a medication to that child?

No, I never observed anyone giving any medication.

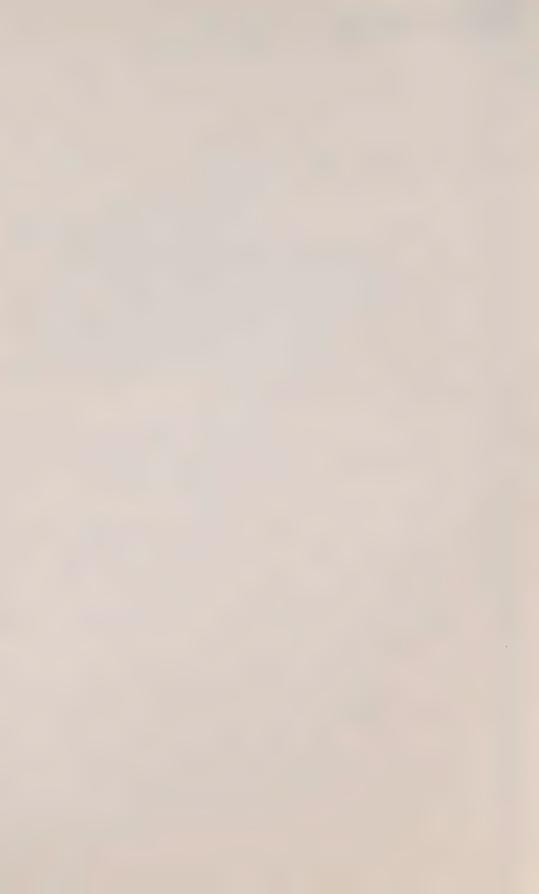
> Did you yourself do so? 0.

No, I didn't give any medica-

tions.

Did you at any point that night observe anyone feeding Janice Estrella?

I don't recall.



Brownless dr. ex. (Cronk)

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0. When did you first learn that Janice Estrella's condition had deteriorated?

A. When I was standing at the nursing station I heard Sui call out and someone was pushing the crash cart to the room and instructed me to call a Code 25 and I did so.

Q. Do you recall who was at the nursing station with you at the time?

> Α. No, I don't.

Do you recall who asked you to call the Code 25?

> No, I don't. A.

Prior to hearing someone ask you at the nursing station to call the Code 25, had you heard the emergency buzzer sound in Janice Estrella's room?

A. No, I didn't, I just heard Sui call out.

> What did she call out? 0.

I don't recall. I think she called out either, "Phyllis" or "25", I can't say _ for sure.

Q. Prior to that time do you recall having heard a Code 23 being called for Janice Estrella? No, I don't. Α.

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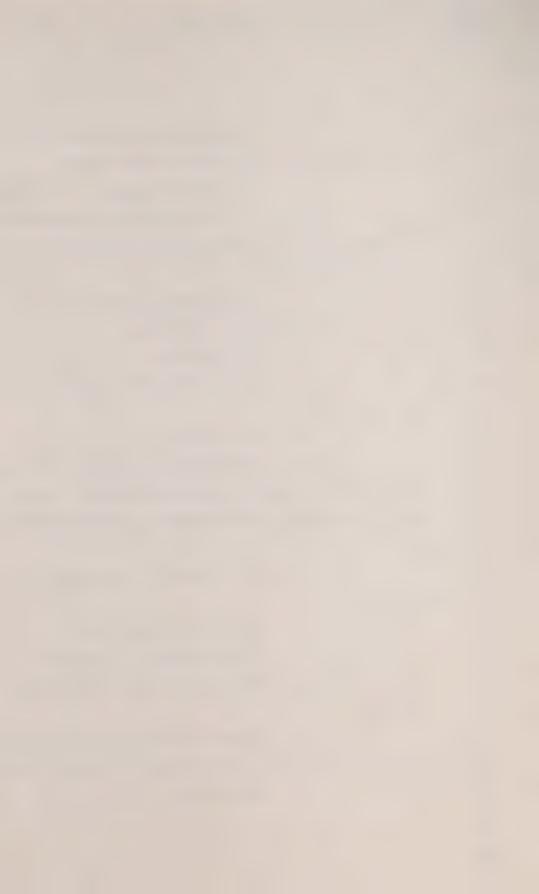
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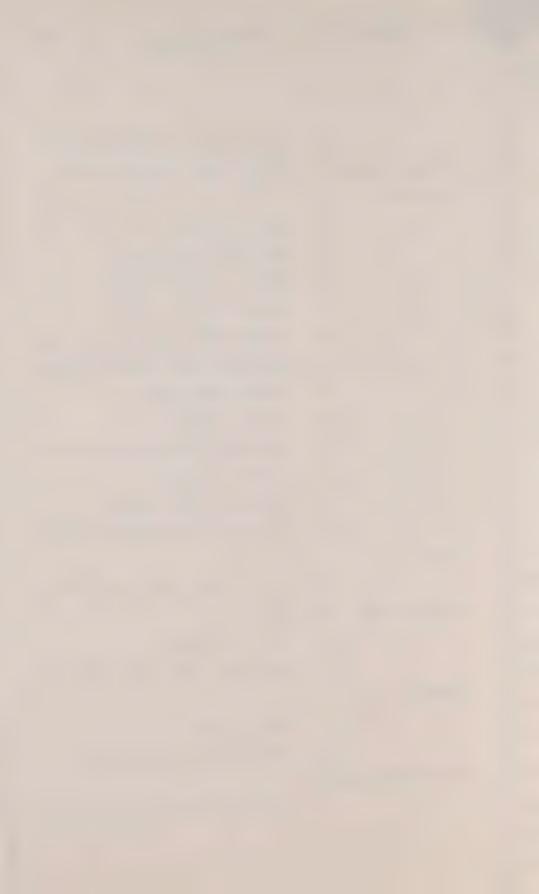
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	Q.	And I take it once you heard
someone asking	for a	a Code 25 you told us that you
called it.		
	Α.	That's right.
	Ω.	What did you do then?
	Α.	After I called the 25?
	Ω.	Yes.
	Α.	I went down to the room to see
if they needed	any h	nelp, or if they needed anything.
	Ω.	That is Room 423?
	Α.	That's correct.
	Ω.	Who was in the room at the time?
	Α.	I don't recall.
	Ω.	Was Mrs. Scott there?
	Α.	I can't say for sure if she was
there.		-
	Ω.	It is likely that she was if she
called out for	the C	ode 25?
	Α.	That's correct.
	Ω.	You don't recall who else was
there?		
	Α.	That's right.
	Ω.	Did you stay in the room during
the resuscitati	on?	

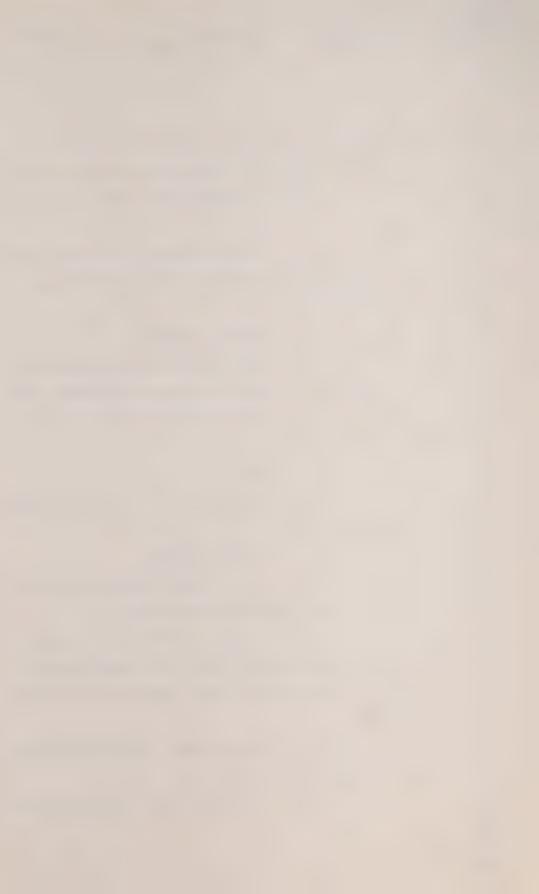
A. I am not sure if it was this arrest





or another arrest, but Lynn Johnstone asked me if I wanted to write, during the arrest, record, and I said I didn't want to because I had never done it before.

- Q. And by record do you mean keep a list of the drugs that were administered during the resuscitation?
 - A. That's correct.
- Ω . Was there any other recording that a nurse or a registered nursing assistant would do during the course of an arrest, other than doing that list?
 - A. No.
- Q. I take it if it was this occasion you didn't do it.
 - A. That's correct.
- A. Incan't say how long I stayed in there, it was probably just for a minute or two and then I went out and looked after the children on the ward.
- Ω . Do you recall bringing anything into the room when you went in?
 - A. I possibly took down the chart,



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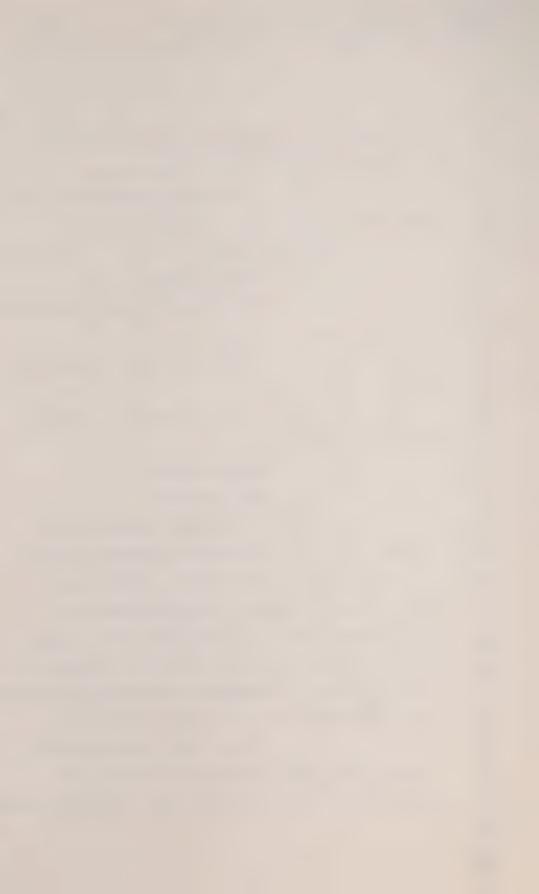
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the sharp box, the sharp box and any requisitions I expected they would need for the arrest.

- Q. I am sorry, the chart that you referred to, the chart, that would be Janice Estrella's medical records?
 - A. That's correct.
- Ω_{\bullet} Do you recall having taken that into the room?
- A. Not for sure, but I usually did do it.
- Ω . And you referred to something called the sharp box?
 - A. That's correct.
 - Q. What is that?
- A. In the med. room there is a disposal sharp tray and during an arrest instead of the nurses when they are drawing up the drugs, and throwing the needles into the garbage, they took the tray and put it there on a chair and they put all the needles and the syringes in there so it wouldn't go down the garbage and housekeeping wouldn't hurt themselves when they picked up the garbage.
- Ω_{\star} Do you recall staying in the room when the physicians arrived and when the resuscitation effort was undertaken, or did you leave





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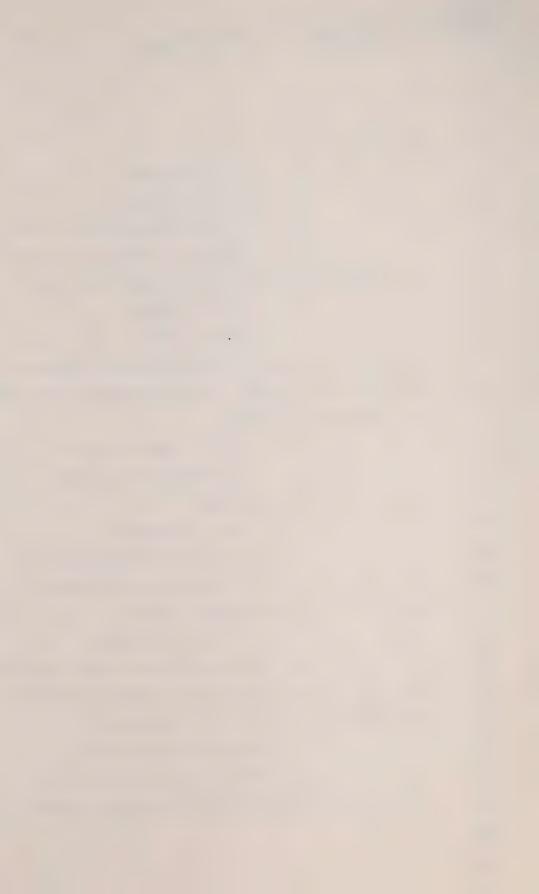
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the room?

- Α. I left the room.
- 0. For what purpose?
- Α. To check the children on 4A/B.
- 0. Did you go back into the room again before Janice Estrella was pronounced dead?
 - Α. I don't recall.
- Did you assist in any way with respect to the child, or the procedures that were undertaken with respect to Janice Estrella after she had been pronounced dead?
 - I didn't assist at all.
- Did you help, for example, to prepare her for the morque?
 - Α. I don't think so.
- Did you learn that night from any source that a blood sample was to be taken on Janice Estrella for a digoxin level?
 - No, I was not aware.
- When did you learn for the first time that a blood sample had been taken and digoxin test done on that child, after her death?
 - After Sue was arrested.
- Q. When you say after Sue was arrested you are referring to the arrest of Susan



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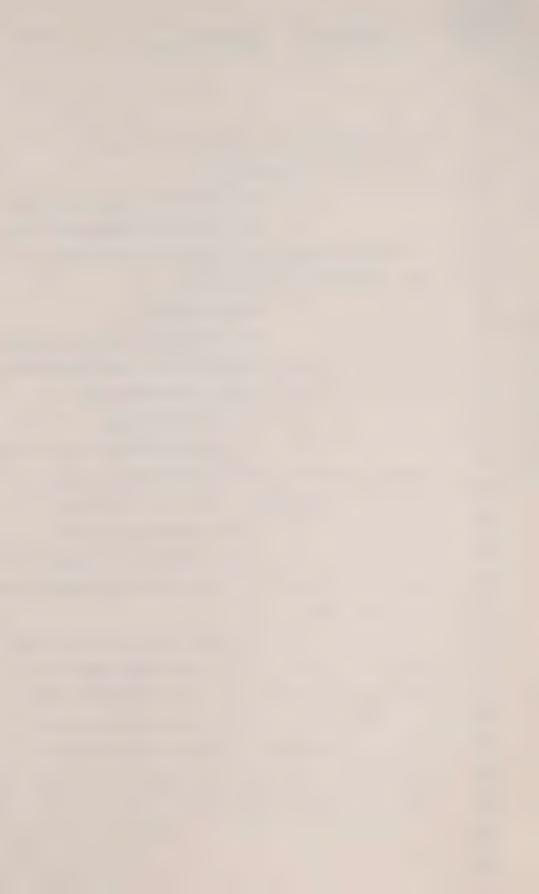
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Nelles, was that for Justin Cook or was it the arrest for Janice Estrella?

- A. The arrest for Janice Estrella.
- Q. And that is the first time that you learned that a digoxin test had been done on Janice Estrella after she died?
 - That's correct. A . .
- Q. Were there any discussions amongst any of the nurses on the floor that night after Janice Estrella died as to why the child had died?
 - A. Not to my knowledge.
- Do you recall there being concern amongst the nurses that she had arrested, was not able to be resuscitated, and in fact had died?
 - I don't recall any concern.
- Q. Do you remember the nurses being upset by her death, or do you recall any reaction one way or the other?
- Everybody is always upset after an arrest. I recall some of the nurses saying at least Janice would be a lot more comfortable now.
- O. Do you recall anyone, be it a nurse or a physician; that night after her death expressing surprise that she had died, or concern that she had died when she did?





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A. Not to me.

Q. Did you at any point that night, or subsequently, after Janice Estrella's death, learn that a physician who had been present during her arrest had suggested that digoxin toxicity may have contributed to her death?

- A. Not to me.
- Ω. Was the possibility of the involvement of digoxin ever mentioned to you in connection with Janice Estrella prior to the arrest of Susan Nelles for her death?
 - A. No, it wasn't.
 - Ω . At any point that night, Ms.

Brownless, and I ask you to think back over the events that took place during that shift, did you observe anything that you regarded as being unusual or out of the ordinary with respect to Room 423, or Janice Estrella, or any of the procedures on the floor that night?

A. Nothing seemed unusual.





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- A. Nothing seemed unusual.
- Q. Is there any other information you can provide to the Commissioner that might assist him with respect to the events that occurred that night involving Janice Estrella?
 - I don't think so.
- The next step on the wards, which I understand you may have had some involvement with, is that of Bruce Floryn, who died on February 7th, 1981, at this time on Ward 4B at approximately 6:20 in the morning. As I understand it, you worked a 12-hour long day at approximately 6:20 in the morning. As I understand it, you worked a 12-hour long day on February the 6th, that is the day before he died, and you also worked a 12-hour long day on February 7th. Is that correct?
 - That is correct.
- 0. Bruce Floryn came in for his last admission to the Hospital on January 27th, 1981, according to the information provided to the Commission. During his last admission did you at any point participate in his medical care?
 - Not when he was on 4B, no, Α.
- I did not.
- Had you come to know him during 0.



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the course of his prior admissions?

A. Yes I had.

Q. Had he previously been a patient on 4A?

A. Yes, he had.

Q. Do you recall now what his condition was considered to be on February 6th, the day before he died?

A. He was quite sick.

 Ω_{\star} Do you recall having had a discussion with any of the nurses on 4B or for that matter on 4A, as to the nature of his condition?

A. I don't recall.

Q. Do you have the impression -
I'm sorry, what was your impression at the end of

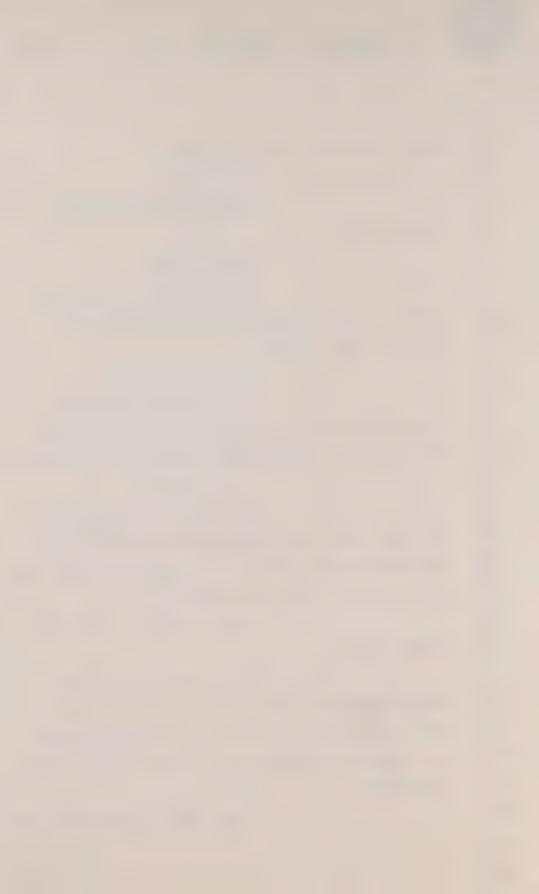
that shift, with respect to his condition at the end

of the day if, indeed, you had one?

A. I don't recall. I am sorry, I don't recall.

Q. Do you recall any of the events during the last several days of his life that related to Bruce Floryn? Was there anything you regarded as unusual or out of the ordinary that took place?

A. I know some of the nurses came

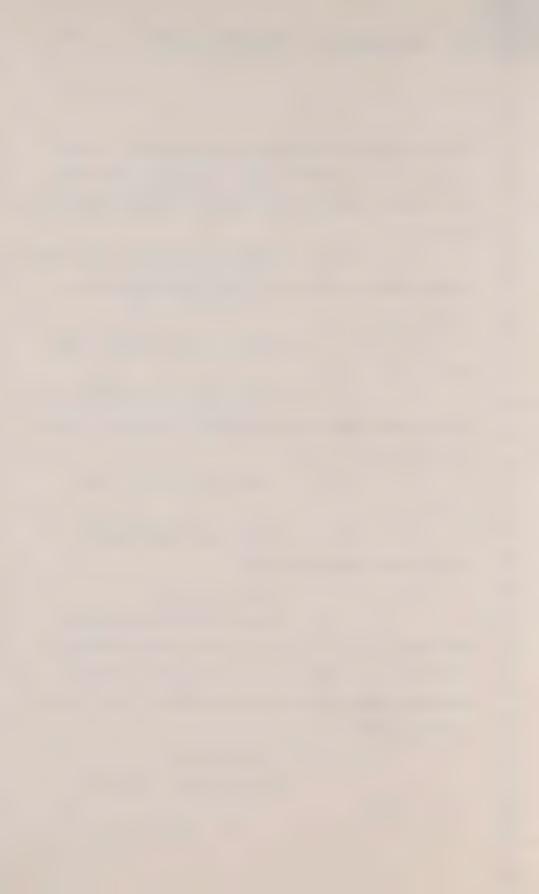




in and worked extra to look after him so he wouldn't have to have a relief nurse. I am not sure if we were short staffed or not, which I thought was quite nice.

- Q. When you say some of the nurses worked extra, what do you mean, they worked overtime?
- A. That's right, on their days off.
- Q. Do you know why they did that, aside from compassionate grounds? Is there a reason they were doing that?
- A. Just that Bruce was very sick.
- Q. Is it your understanding that he may have been dying?
 - A. That is correct.
- Q. When you came into work on February 7th, I take it, you would have learned of his death. You came in on the morning shift and he died really less than an hour before shift change that morning?
 - A. That's right.
 - Q. Do you recall being told

that he died?





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A. Yes.

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Q. Do you remember any discussions with any of the nurses on 4A or 4B -- remember that is where he died -- that morning, as to his death?

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A. I just remember coming in and all the girls were crying and saying that Bruce had died. I don't recall any other discussions.

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Q. Was it your impression that any of the nurses who had been there were concerned or was confused as to why he had died?

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A. I don't think so.

No, I don't.

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Q. Do you remember seeing Dr.

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Su on the ward that morning?

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Q. Do you remember seeing Dr.

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Olley?

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A. No, I don't.

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Q. Were you made aware that

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morning that there had been any kind of a problem or expression of dissatisfaction by Dr. Sue

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with the nurses concerning what had gone on during the resuscitation of the child?

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THE COMMISSIONER: I thought this child was not resuscitated. Are we talking about

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Floryn?

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MS. CRONK: Yes, we are, sir. I will check that.

THE COMMISSIONER: Isn't this the 19 year old boy?

THE WITNESS: He was 19.

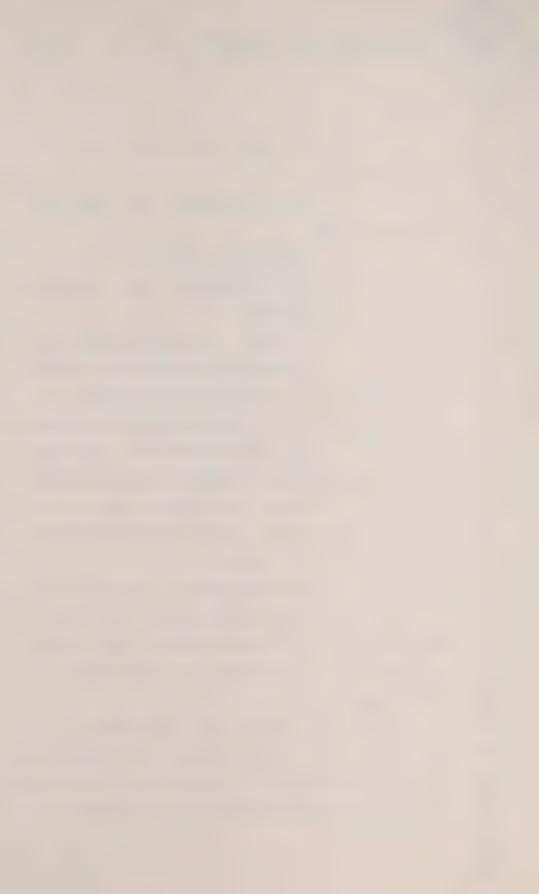
THE COMMISSIONER: Yes. I think he was "Do not resuscitate".

MS. CRONK: You might be right, sir.

MR. ROLAND: Sir, he had a "Do not resuscitate" order. He was in the C category by the CDC. I really don't know why we are particularly interested in this line of questioning. There may have been some dispute or misunderstanding between Dr. Su and the nurse, but it doesn't bear at all on the working of this inquiry, they are sort of decisions you have to make.

THE COMMISSIONER: I will say that
I am with you, but sometimes I have to let it go
on, because I find out after, when I can't see any
relevance, that it turns out to be relevance, so
I leave it with you.

MS. CRONK: Sir, Mr. Roland is entirely correct and correct me if I was suggesting it was a resuscitation. I guess I had forgotten that he was a "Do not resuscitate." The evidence you





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have heard to date, sir, is that a physician who was present at the time of the arrest of that child suggested that his death may, in some facet, have been connected with the medications he had received. This nurse was on the ward that morning. I think it very relevant for you, sir, to know whether there was any basis to that at all. You have heard Mrs. Radojewski's evidence on the point.

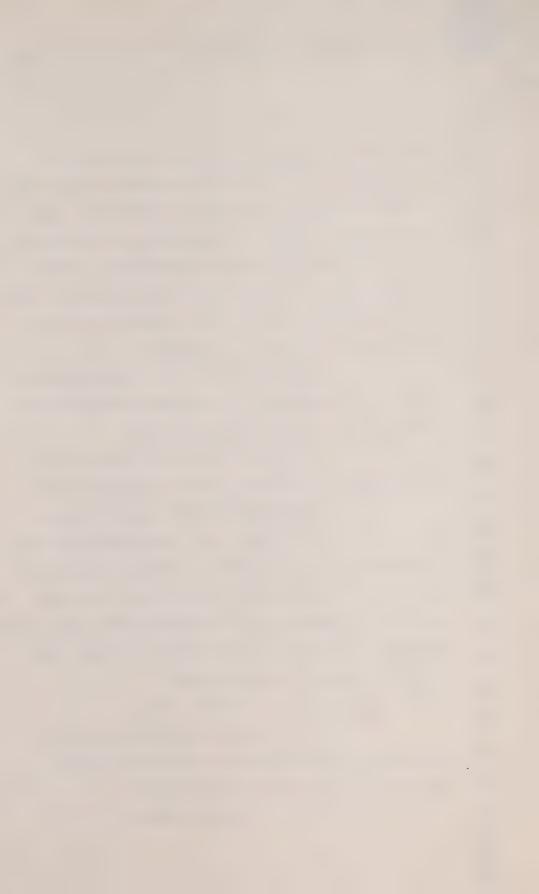
THE COMMISSIONER: I have doubts of that if you have allies -- you have allies here and I am going to receive argument on it.

MS. CRONK: There are really only two questions left on the point in any event, sir.

THE COMMISSIONER: Yes, all right.

MS. CRONK: Q. I was asking you about the discussions that morning. Were you informed at any time on February 7th, when you came into work as to any suggestion by any physician that there might have been a problem with the medications that the child had received before he died?

- A. I wasn't aware.
- Q. Was it suggested to you, at any time, by any one that any drug may have been involved in causing the child's death?
 - A. I wasn't aware.



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Q. Okay.

MR. ROLAND: Just before my friend leaves that. She left the implication, I think, that Dr. Su made that allegation. We don't know that yet. I haven't talked to Dr. Su. I don't think my friend has. What we have is a note made by Mrs. Radojewski about a conversation she had with two team leaders, who she thinks she -- I think she has identified one as probably Phyllis Trayner and the other I can't remember, but I think she was able to identify them, that they recall receiving some complaint from Dr. Su about that. It is very far from Dr. Su actually saying that was his complaint.

THE COMMISSIONER: Yes.

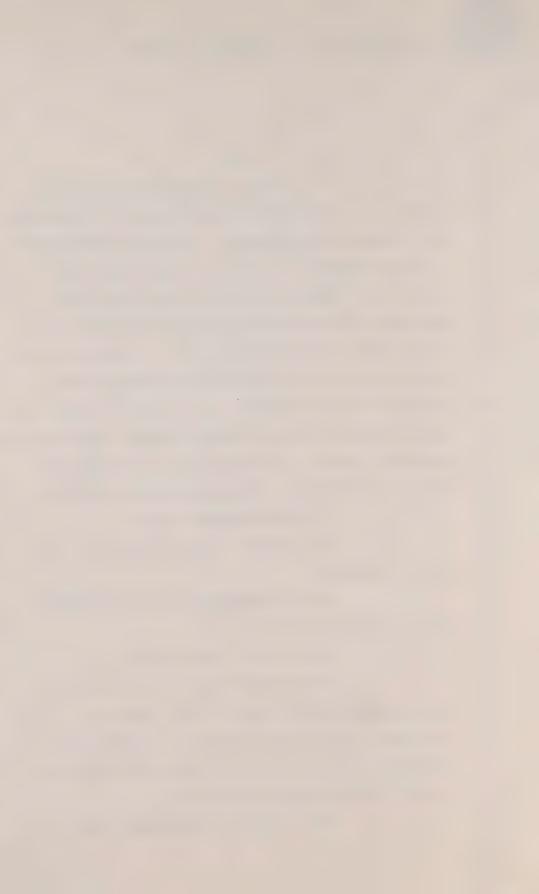
MR. ROLAND: So we haven't got that kind of evidence.

THE COMMISSIONER: Certainly this witness knows nothing about it.

MS. CRONK: That's right.

THE COMMISSIONER: So as far as I am concerned I can't speak for Mr. Roland's electronic jury, except to say it is absolutely worthless as evidence of anything having happened so far. That is the best I can do.

MR. ROLAND: I appreciate that.



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MS. CRONK: I am not going to argue the matter at all.

THE COMMISSIONER: All right.

AS. CRONK: To return to the next child then, Miss Brownless, David Leith. It is my understanding he died on March 8th, 1981 at 10:30 a.m. and you had worked long days, 12 hour shift on that day; is that correct?

A. That's correct.

Q. If you turn to the 4A assignment book. You should still have that, Exhibit 32A, Tab 13.

MR. OLAH: Page 148 and 149.

MS. CRONK: Thank you, Mr. Olah.

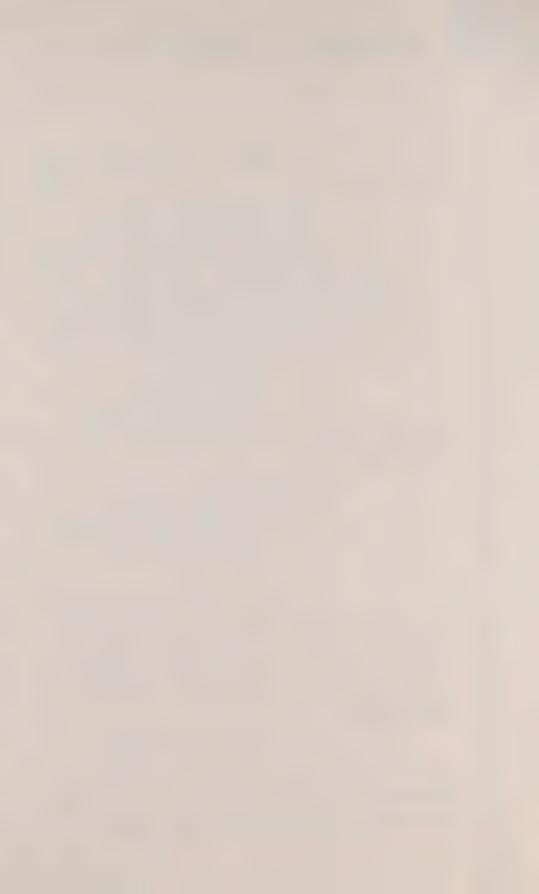
Q. Do you have that?

A. Yes, I do.

Q. As I read the entries for the day shift, the long day shift, on March 6th, Miss Brownless, you had one patient in Room 423 at the start of the day and three in Room 421; is that correct?

A. Yes, that's correct.

Q. David Leith was also shown in Room 423 at the start of the shift, but in the care of Miss Partridge. Do you see that?



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A. Yes, I do.

0. Do you recall now whether your patient, the patient, Gold was, in fact, in the same room as David Leith at the beginning of the shift?

A. I moved him out, so we could move David Leith into 423.

> 0. When did that take place?

Some time in the morning; A. I can't recall exactly what time.

Mrs. Radojewski was in charge 0. that day and Mrs. Mandell was the team leader?

> Α. That is correct.

Miss Cooney was also on duty as was Miss Hendri?

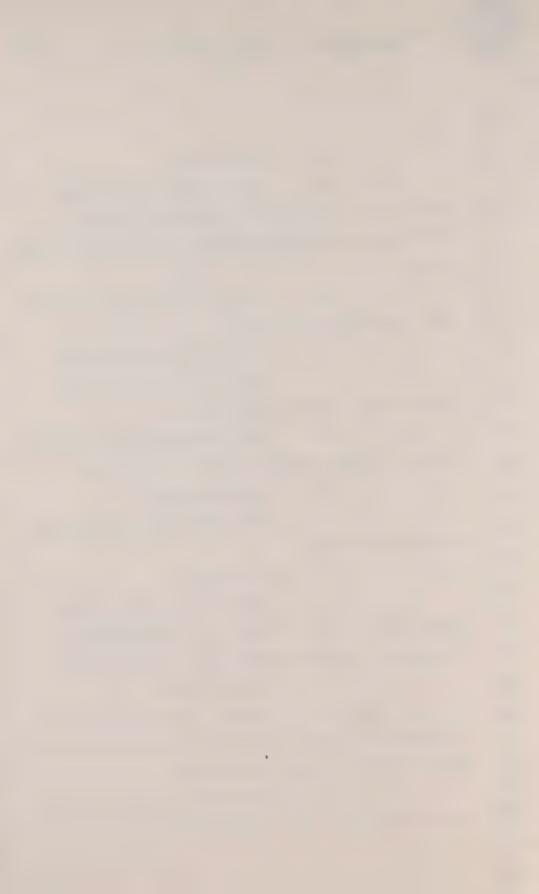
A. That's correct.

Did you at any point after having come on duty, I take it at approximately 7 o'clock in accordance with your normal routine?

> Α. That's correct.

Did you at any point from 7 o'clock in the morning until the time the child died had an occasion to see David Leith?

Other than transferring him to the room, no.





Do you recall what his condition was when you transferred him, I take it into Room 423 or out of Room 423? Into Room 423. Q. Do you recall what his No, I don't. When did you first learn that the child's condition had deteriorated? After he had died. Were you present during his No, I wasn't. Do you remember being asked to dome into the room at any time to assist in any No, I don't remember. At any time that morning after you had come on shift do you recall seeing anyone administer any medication to Davied Leith? I don't recall. Do you recall seeing anyone feed him at any time that morning? No, I don't. Do you recall whether or not



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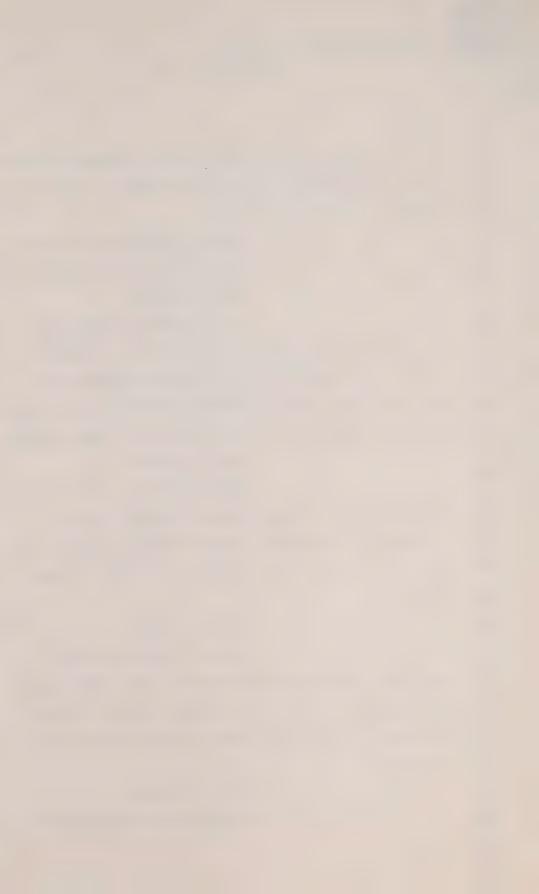
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after his death there were concerns expressed amongst the nursing staff as to why he had died or as to the manner in which he had died?

- I don't remember any concerns.
- By any nurses or any physicians?
- That is correct.
- 0. Return then to Jordan Hines who died the very next day, March 8th, on Ward 4B. It has been suggested here in prior evidence that you may have known this patient, particularly, because you were acquainted with his family; is that correct?
 - That is correct.
- Jordan Hines was admitted on 0. March 6th, 1981, shortly after midnight. As I understand it on March 6th you worked a 12-hour long day and on March 5th you had the day off. Is that correct?
 - Α. That is correct.
- 0. When you came in on March 6th then that would have been the first opportunity, at about 7 o'clock in the morning, when you could have seen Jordan Hines after his admission to the Hospital?
 - That is correct. Α.
 - Do you recall seeing him that 0.





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I don't recall what time that day, but I recall seeing him.

How did that come about? I am not sure how I found out he was in the Hospital, but I went down to see him in 438 and I remember seeing his parents in the room.

Q. 438 is on 4B?

That is right.

He had been admitted directly

in 4B?

A. That's right.

What was his condition when you went into his room and saw his parents there?

A. He was in his mother's arms and very stable. He was connected to a cardiac monitor and had an IV.

Q. Did you personally observe the child at that time?

A. What do you mean by observe?

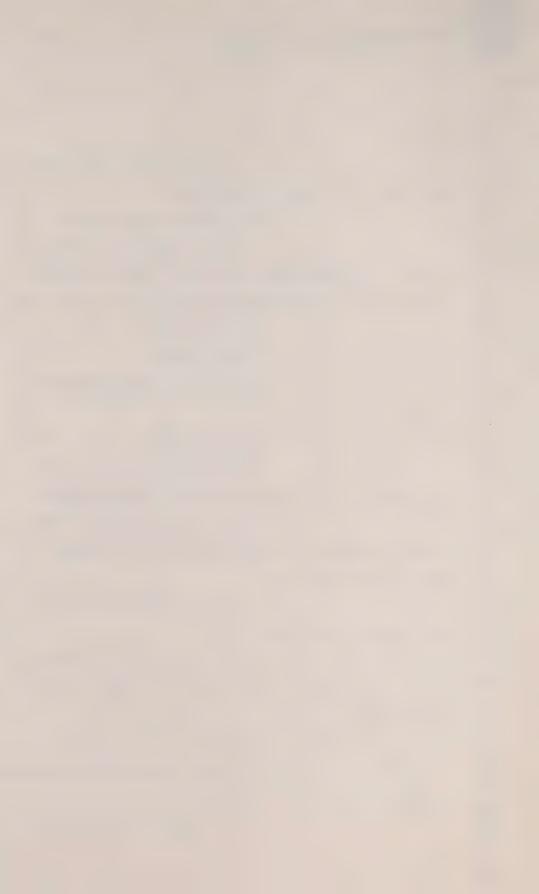
Q. Did you go and look at the

child?

A. I looked at him, yes.

You told us he seemed relatively Q.

stable?





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- A. That is correct.
- Q. Is it your impression or your understanding at any point that day that his condition was regarded as being critical?
- A. I didn't have that impression at all.

MR. TOBIAS: Would you repeat that.

THE WITNESS: I didn't have that

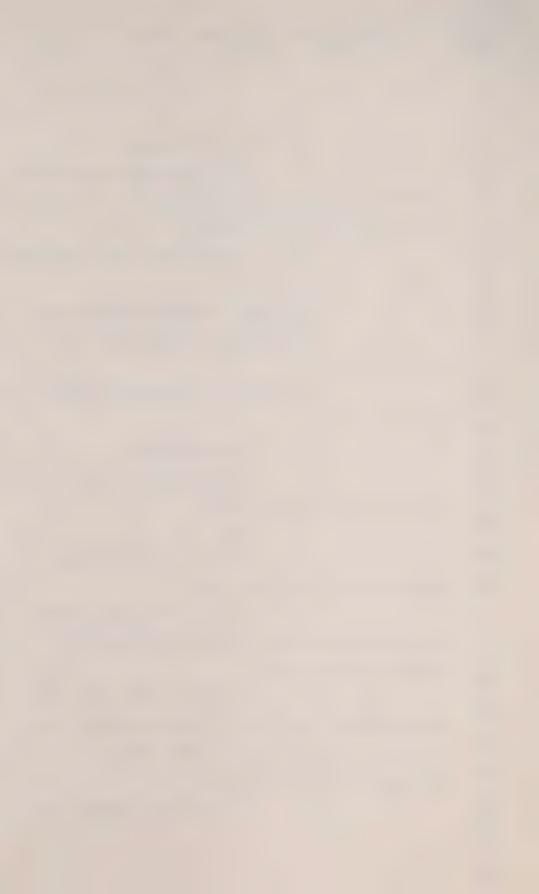
impression - 11.

MS. CRONK: Q. You said he had an IV running?

- That's correct.
- Q. Was the cardiac monitor hooked up to the child at that time?
 - A. Yes.
- Q. Did you notice an apnea monitor hooked up to the child?
- A. I noticed the apnea monitor.

 It couldn't have been connected up because Mrs.

 Hines was holding him.
- Q. We heard a great deal about apnea monitors, but I am not sure we actually had a physical description of how they worked. Could you explain that to us briefly?
 - A. It is a little machine that





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sits on the shelf and it has an on and off switch on it. On the back it has a rate of setting of 10, 15 and 20 seconds and it has a cord that goes to the bed that looks like a little heating pad that sits under the blanket and when you lay the child on the bed every time they breathe it sets the monitor to blink and there is an arm that goes over and shows you the respiratory rate which is inaccurate because it goes up and down. When the child stops breathing, whatever the setting is at the back, if it is set at 20 seconds the alarm will go off.

0. Assuming that the monitor was set at 20 seconds then if a child stopped breathing for 20 seconds is that when it would go off?

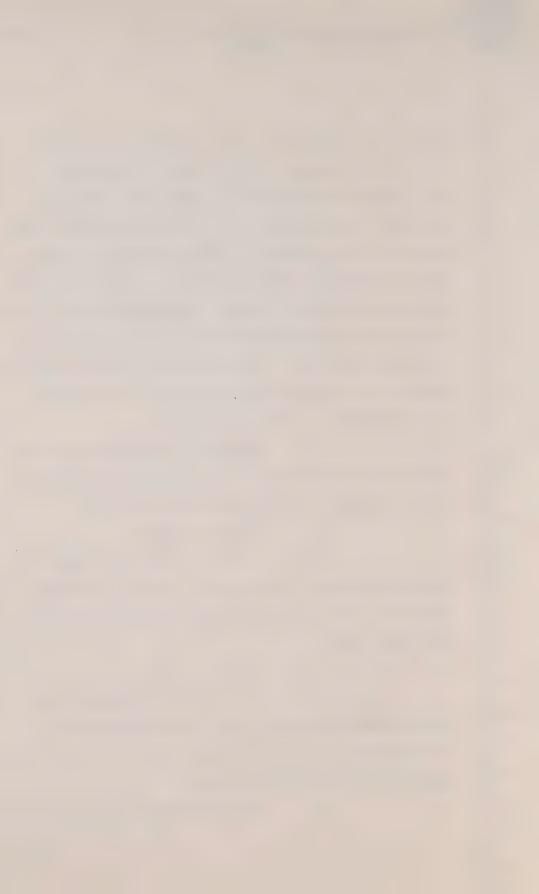
A. That's correct.

And if I understood what you said, it is like a heating pad in which the child would be sitting or laying when the child was asleep or in his bed?

> A. That's right.

So if the child rolled over or moved is it possible that he or she could roll off the apnea pad so that there would be no recordings being made by the apnea monitor?

> And the apnea monitor would go A.



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off, that's right

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The monitor would go off if the child was no longer on the pad?

That is right.

That would obviously be because the machine wasn't recording any breathing?

That's correct.

Do you recall at any time on March 6th when you were in Jordan Hines' room observing anyone administer any medications of any kind to have

I don't recall.

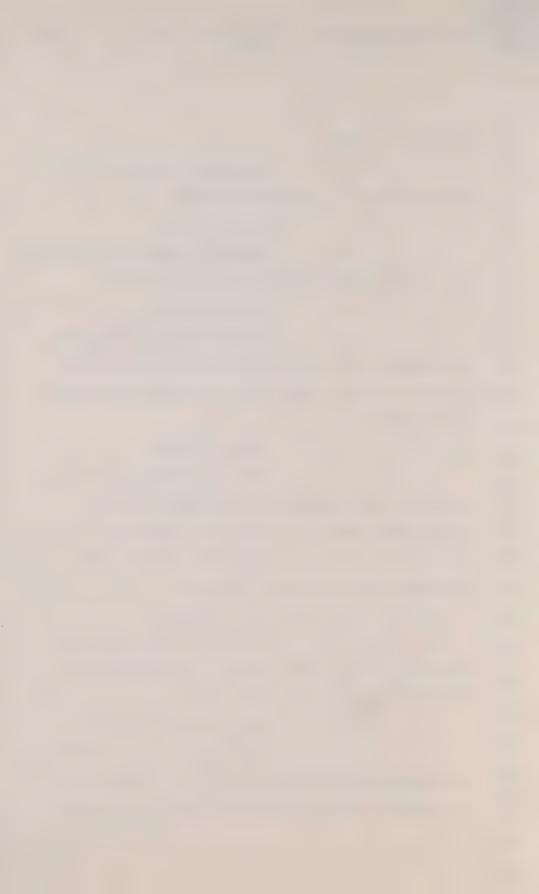
Would it be fair of me to suggest, Miss Brownless, that because of your acquaintance with his parents you went out of your way to see Jordan Hines over the course of his admission and stay in the Hospital?

That's correct.

And that you may have been 0. in and out of his room several times although he was a patient on 4B on March 6th?

> That's right. Α.

Did you at any point that day note anything unusual about his condition, his treatment or the activities of any of the nurses





who were involved in his care?

A. Nothing unusual.

Q. We know that you worked again on March 7th, this time a 12-hour long day.

I'll ask you to look at the assignment book for this day, Tab 13, page 150.

A. I have it.

As I understand it on March
7th your assignments, in fact, were not consistent
in the sense that you had particular patients until
3 o'clock that day and then other patients after
3 o'clock. Do I have that correctly?

A. That's correct.

Dealing with your patients in the first part of the shift, that is from 7 o'clock in the morning until 3 o'clock, you had three patients in Room 421 and one in 426. Do I have that correctly?

A. That's correct.

Q. Then at 3 o'clock according to the Ward 4A assignment book, you were transferred to Ward 4B to relieve until 7 o'clock that night.

Is that correct.

- A. That's correct.
- Q. Could I ask you to turn to



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Tab	14	which	is	the	Ward	4B	assignment	book,	page
118.									

A. What page?

Q. 118.

Α. I have it.

Q. These are the entries as to the nurses on duty on 4B during the day on March 7th. Do you see that?

A. Yes, I do.

Q. And according to the entries in this book you were serving as relief, as I suggested, from 3 o'clock on. You had one patient in Room 437, two in Room 414 and one in Room 431, which was Jordan Hines?

> That is correct. A.



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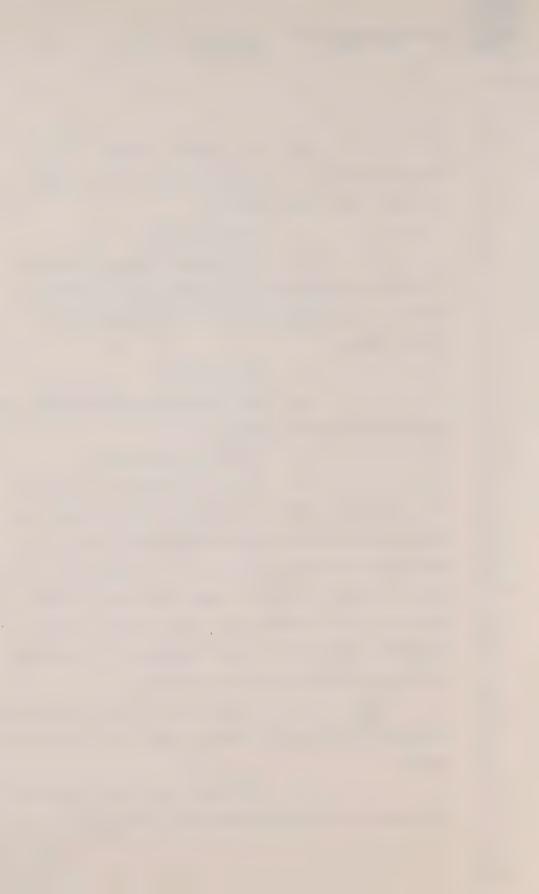
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- Q. All right. So that his care was assigned to you from 3:00 until 7:15 on March 7th, do I have that correct?
 - A. That's correct.
- Q. All right. During the course of that afternoon and early evening, Ms. Brownless, did you at any time administer any medications to Jordan Hines?
 - A. No, I didn't.
- Q. Did you at any time observe that he had had an apnea spell?
 - I didn't observe any.
- Could I ask you -- I am sorry, Q. Mr. Registrar, could you show the witness please the Jordan Hines medical chart, Exhibit 103. While the Registrar is getting the chart, Ms. Brownless, could I ask you this. When you took over care of Jordan Hines at 3 o'clock would you have received a report from the nurse who had been responsible for him during the day, the earlier part of the day?
- A. Either the nurse who looked after him or the team leader, I can't recall who gave me the report.
- All right. And what were you 0. told about his condition when you took report at





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approximately 3 o'clock?

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A. I can't recall everything but he was fairly stable at the time and that he was connected to a cardiac monitor, an apnea monitor and an IV, that's all I can recall.

Do you recall any expression of concern either by the team leader or the registered nurse who gave report to you that his conditon was at risk in the sense that he might deteriorate easily and that he should be closely watched, anything of that kind?

No, I didn't receive any of that information.

Q. Did you as part of your routine and caring for the child that afternoon review not only his Cardex but his medical chart?

A. I remember going over his Cardex but I can't remember going over his chart.

Q. Well, did you know on March 7th before you left the hospital that the child had an anatomically normal heart?

I can't recall when I found

O. All right. It may have been that day or it may have been later?



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 $\Omega_{\rm *}$ Could I ask you to turn to page 83 of the medical chart?

A. I have it.

Q. I direct your attention to the medications that had been given to the child on March 7th while you were there, at least on duty, that is between 3 and 7 o'clock. According to the medication treatment record, at 4 o'clock that afternoon he received a dose of ampicillin intravenously; do you see that

A. Yes, I do.

Q. Am I correct that it appears to have been signed off by Ms. Harwood-Jones?

A. Yes, you are.

Q. Now, you as a registered nursing assistant we know could not or at least were not permitted to give medications. I take it then she would have been giving that dose on your behalf?

A. That's correct.

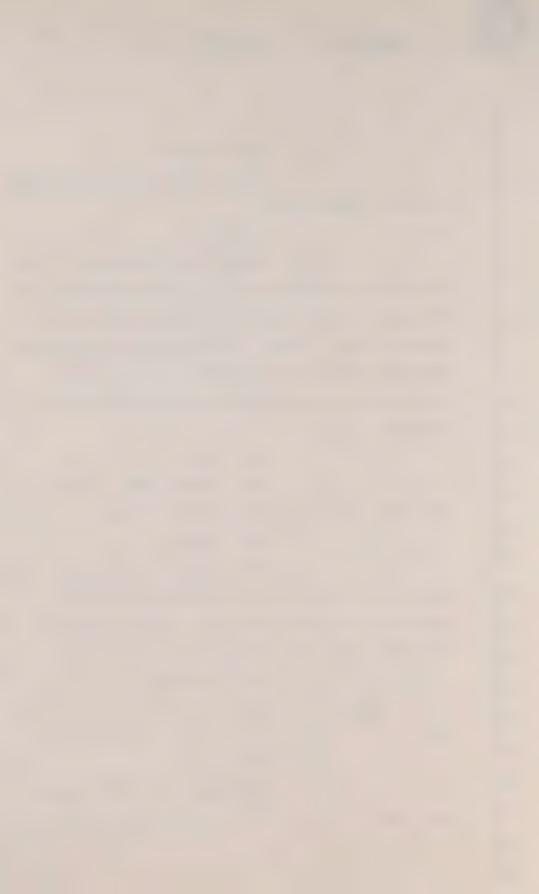
Q. Was she the team leader that

day?

A. Yes, she was.

Q. Were you present when she gave

that dose?



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I don't recall.

You don't remember whether you with ssed it being given?

That's right.

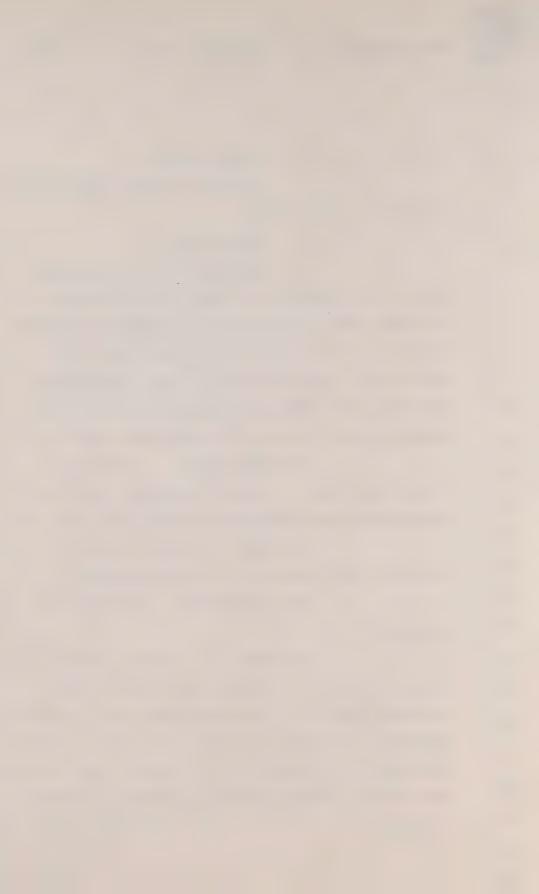
Apart from the dose that was given to the child at 4 o'clock that afternoon, did you learn from anyone as opposed to anything that you might have observed because you have told me you didn't be it happening, did you learn from anyone that any other medication was given to Jordan Hines before you left at the end of the shift that day?

THE COMMISSIONER: I am having trouble with this. I've got the answer that Miss Harwood-Jones was the team leader that day. Was she? MS. SYMES: On page 118 and 119 it

shows that Miss Bracewell was the team leader.

THE COMMISSIONER: That's what I

MS. CRONK: Q. Could I ask you to look at page 118 of - Exhibit 32A, Tab 14, Miss Brownless, page 118. Ms. Symes points out it records Ms. Bracewell as having been the team leader on Ward 4B during the afternoon shift, that is, from 3 o'clock until 7:00 as she was earlier in the day, is that correct?



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anyone do it?

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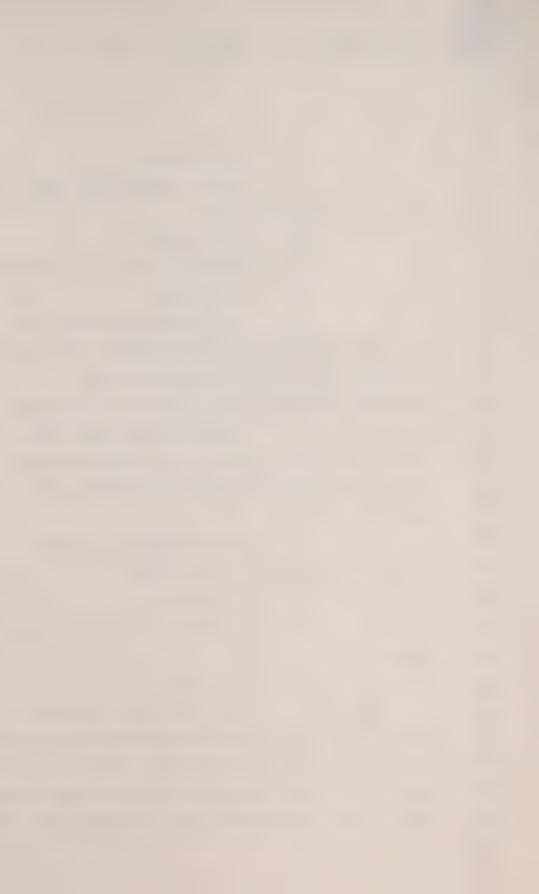
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- A. That's correct.
- 0. And Ms. Harwood-Jones was, I take it, a registered nurse?
 - A. That's right.
 - 0. She was on long days that day?
 - A. Yes, she was.
- Can you help me as to why she 0: would have been giving your medications, and in fact she did as indicated by the sign off on the medication treatment record in lieu of Ms. Bracewell?
- A. Possibly because there were three relief and two RNA's, so, maybe Miss Harwood-Jones being a regular 4B staff was assisting Miss Bracewell.
- Q. Do you remember in fact who did give that medication at 4 o'clock?
 - No, I don't. Α.
 - 0. You don't remember observing
 - No, I don't. Α.
- I was then about to ask you, Q. you've told me that you didn't observe any medications being given to the child before the end of your shift. Did you at any point before you left that night learn that a medication had been given to him other than the



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one recorded at 4 o'clock?

A. I don't recall any other medication being given to him.

Q. You have told me I believe that he did not have an apnea spell that day before you left, is that correct?

A. That's correct.

Q. Did his apnea monitor at any point go off prior to 7:15 that evening?

A. Not that I can recall.

Q. Did his cardiac mointor go off that you can recall?

A. No, I can't.

Q. What was his condition at the

end of your shift that day?

when I left.

A. He was fairly stable, comfortable

Q. Could I ask you to turn to page 34 of the medical chart.

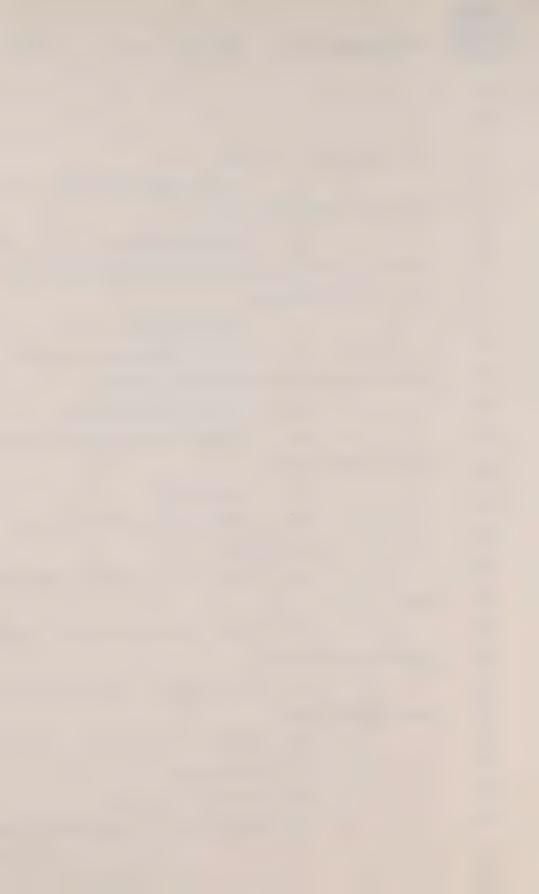
THE COMMISSIONER: I am sorry, what page was that again?

MS. CRONK: 34, sir.

THE COMMISSIONER: 34.

THE WITNESS: I have it.

MS. CRONK: Q. This is part of the



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any danger.

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progress notes and, as you know, Ms. Brownless, this appears to be the nursing note done by you for the afternoon and early evening shift until 7:15 that evening, is that your note?

> Α. That's right.

On the basis of reviewing your note and pur recollection as to the child when you left that day, did you have any reason to think that he was in a position or in a condition where he might very quickly deteriorate when you left?

- I didn't think he would.
- Did you have any reason to think when you left that he was in any danger of dying?
 - No, I didn't think he was in Α.

Was there anything in either his heart rate, his apex recording, as you have recorded it, his respirations or his blood pressure that you regarded as unusual?

- No. Α.
- Anything of concern? 0.
- No. A.
- And if you'll look to his chest it appears that he did have a cough and he was congested according to your note but his colour



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was good?

A. That's correct.

Q. Was he feeding well based on

what you have written about the nutrition?

A. He vomited times one but he fed well for me the second feed.

Q. Finally, you have indicated that his IV was infusing well?

> That's correct. Α.

Q. When did you normally do your chart entries, Ms. Brownless?

> Anywhere from 1800 hours to A.

Q. So, this note could have been done then between 6:00 and 6:30 that evening?

> That's correct. A.

O. When you left the shift there was no difficulty with his intravenous line?

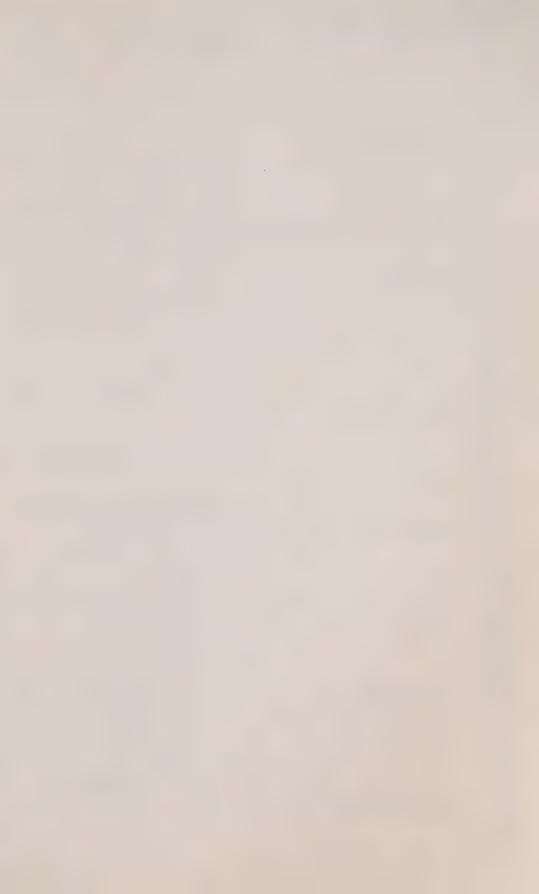
That's correct.

Q. Did you observe anything unusual or out of the ordinary at all with respect to Jordan Hines that day before leaving the hospital?

A. Nothing unusual.

O. March 8th as I understand it

you again worked a 12 hour day?



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Α.	That'	's c	or	rect
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Q. Did you learn that morning when you came to work of Jordan Hines' death?

Yes, I did.

Q. Do you recall who told you that the child had died?

A. I don't recall who told me because when I came in to report - I mean, when I came down the hall I went into Room 31 and someone knew that I knew the family so they grabbed me and told me ha had died and the parents were in the 4B conference room.

Was there anything else said 0. that you can now recall?

A. No.

What was your reaction when you learned that Jordan Hines had died?

> I was upset. A.

O. Were you surprised, shocked?

What did you do when you learned that he died?

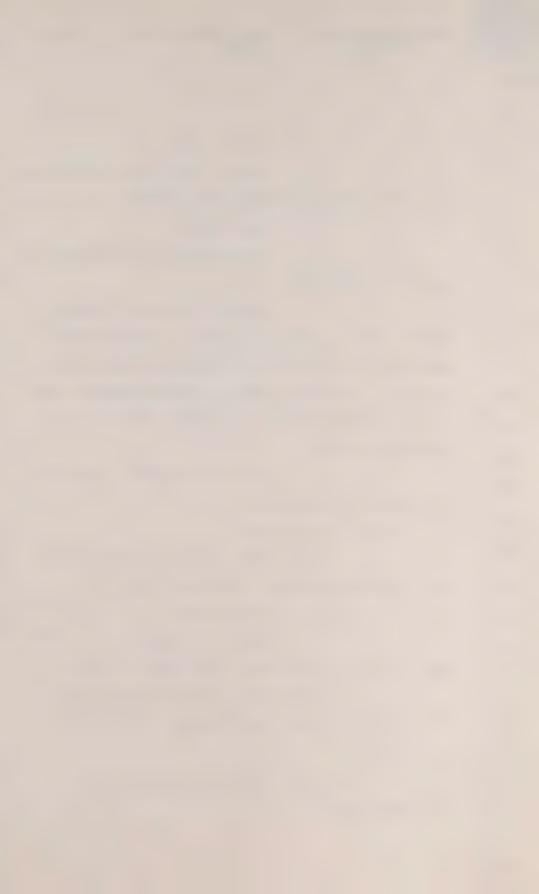
Would you like to take a minute?

THE COMMISSIONER: We'll take a

few minutes.

MS. CRONK: Thank you, sir.

- Short recess



Brownless dr. ex. (Cronk)

F DM/PS

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--- Upon resuming.

THE COMMISSIONER: Yes, Ms. Cronk.

- Q. Ms. Brownless, I know this matter is upsetting and I have just a few more questions concerning Jordan Hines and then we will leave the matter.
 - A. Okay.
- Did you, after the child died, have occasion to speak to any of the physicians who participated in his care, about why he had died?
 - Not that day. Α.
 - 0. A few days after his death did
 - Yes, I did. Α.
 - Who did you speak to? 0.
 - I spoke to Michael Schaffer. Α.
 - 0. What was the discussion you had

with Dr. Schaffer?

you do so?

- Α. I asked why he had died, and I don't recall what the answer was.
- Was there any explanation offered to you at all during that discussion, as best you can recall it, as to why the child had died?
 - Α. No.
 - Did you have the impression that



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Dr. Schaffer was aware of why the child had died?

A. I don't recall, I don't think he was hiding anything from me.

You don't recall what his response 0. was to your inquiry?

A. That's correct.

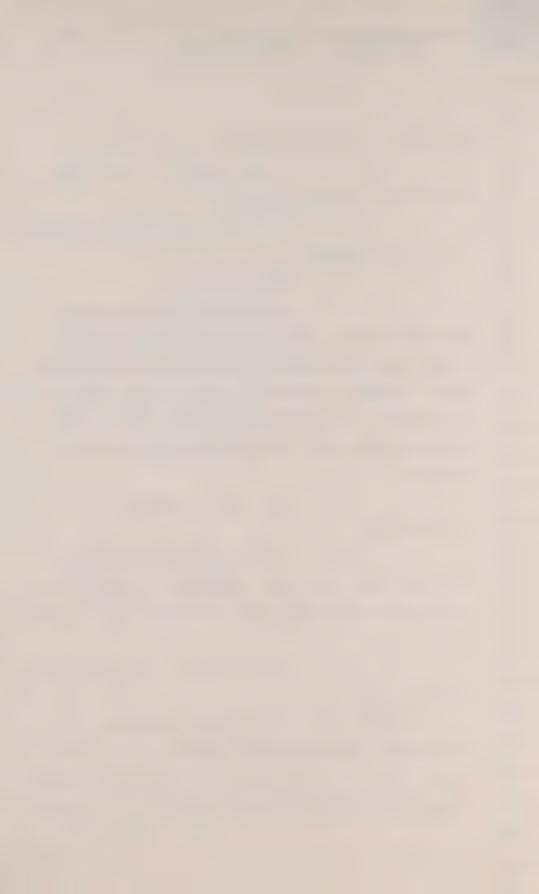
Ω. It has been suggested in prior evidence as well that there was a meeting on March 11th on the ward with 4A and 4B nurses in attendance when a number of arrests were discussed, and particularly the concern of the Ward 4B staff concerning Jordan Hines was discussed, do you remember being at that meeting?

No, I don't remember being at that meeting.

Q. Did you have any discussions with the head nurse, Mrs. Radojewski, or any of the other nurses as to why Jordan Hines had died, on that day?

A. I can't say if I had a discussion with Liz or not.

Q. Just one more question. At any point did anyone ever suggest to you, prior to the arrest of Susan Nelles for the murder of Justin Cook, did anyone ever suggest to you that digoxin may



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have contributed to or been involved in any way in the deaths of Jordan Hines?

- A. No one suggested it to me.
- Q. You told me earlier today that as you told me yesterday that after the death of Jordan
 Hines you observed personally that there had been an
 unusually high number of deaths on the cardiac ward,
 do I have that correctly?
 - A. That's correct.
- Ω_{\star} You told me that was the first time that you consciously made that observation yourself.
 - A. That's right.
- Ω . Did you observe then that the deaths were occurring for the most part in the long night shift and the early hours of the morning?
 - A. That's correct.
- Q. Did you observe at the same time that the deaths were predominantly occurring in the presence of the same nursing team?
 - A. That's right.
- Ω. Did you, in your own mind, once you had made this observation, search for an explanation as to why these deaths were occurring?
 - A. I don't recall ever thinking there



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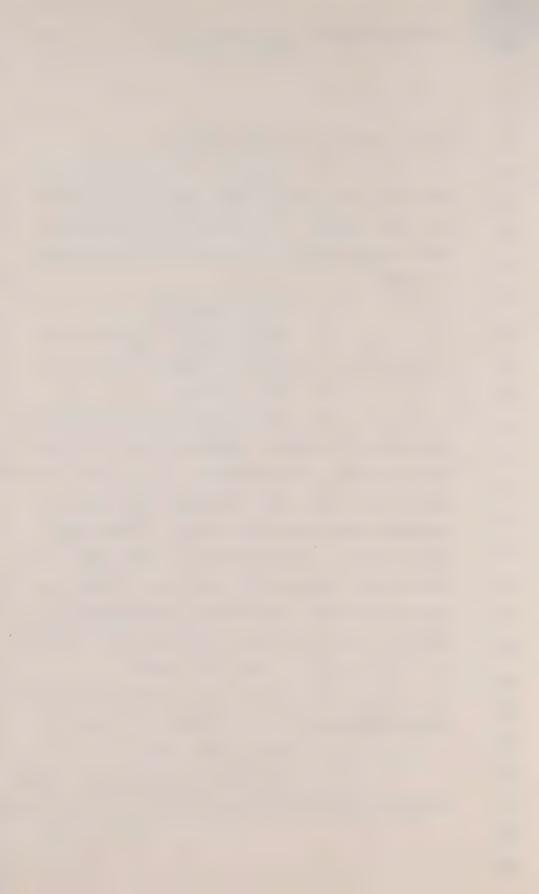
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was an explanation for these deaths.

Q. Did you, to use someone else's expression, cast about in your mind for any reason that might explain, for example, why so many were dying in the presence of the same nursing team and at night?

- I don't recall. A.
- Did you speak to anyone about the observations that you had made at that point?
 - A. No, I didn't.
- Do you recall that vesterday I referred you to certain testimony that Lynn Johnstone has given before this commission, in which she indicated that at some point you, she thought, had expressed concerns to her about the number of arrests that were occurring. In the context of early March, 1981, after Jordan Hines had died and after you had made these observations, do you recall now whether you sought out and spoke to Ms. Johnstone about the matter?
 - A. No,I don't recall.
- Do you recall having any discussions with Elizabeth Radojewski concerning the matter?
 - No, I don't recall.
- We know that there were a number of deaths after Jordan Hines during the month of March



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on those wards. Kevin Pacsai and Michelle
Manojlovich both died on March 12th; Michelle
Manojlovich in the early hours of the morning on
Ward 4B; Kevin Pacsai later that day in the intensive
care unit having been transferred there from Ward 4B.
You worked, as I understand it, a long day on March
llth, the day before they died, is that correct?

- A. That's correct.
- O. Do you recall seeing either patient for any reason on Ward 4B that day?
 - A. No, I don't.
- And on March 12th, as I understand it, you worked a 12 hour long day?
 - A. That's correct.
- O. And you arrived at work that morning, I take it it would have been approximately your normal time, 7:00?
 - A. 7:00, that's right.
- O. Were you informed at that time that there had been a death on Ward 4B?
 - A. Yes, I was.
 - O. That, I take it, was Michelle

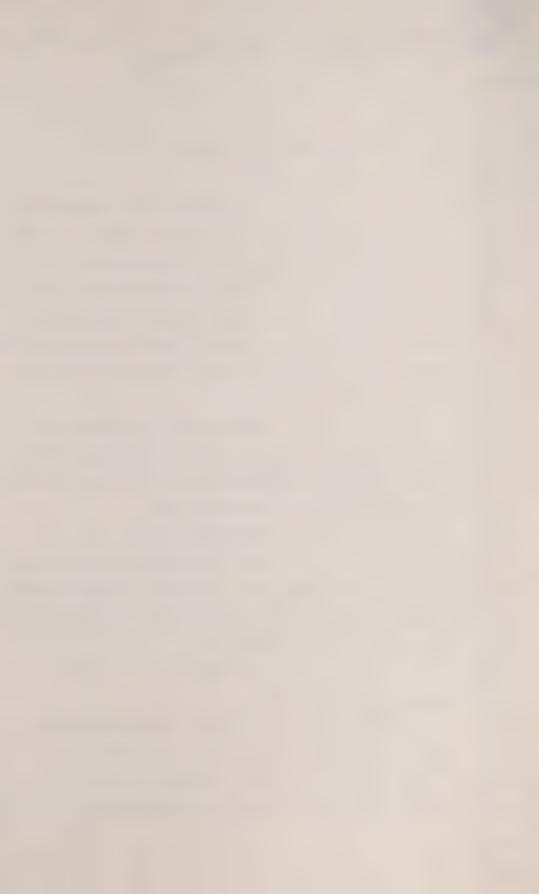
Manojlovich?

- A. That's correct.
- O. Were any concerns expressed to you



at that time regarding her death?

- A. No.
- Did you learn later in the day that there had been another death, a patient who had gone from Ward 4B to the ICU had also died?
- A. I heard it when I came in in the morning that they had two arrests and one child went to ICU, and I can't recall when I heard the other child died, I think it was some time that day, but I can't recall what time.
- O. After you did learn that the other child had died who we know to have been Kevin Pacsai, do you recall any discussions amongst nursing staff as to why that child had died?
 - A. No, I don't recall.
- O. When did you learn for the first time, Ms. Brownless, that there was a possibility of a coroner's inquest into the death of that child who had gone to the ICU from Ward 4B?
- A. Just recently; in March I should say, I'm sorry.
- O. I'm sorry, I don't understand.
 When did you learn for the first time about the
 possibility of a coroner's inquest with respect to
 the patient that we know to be Kevin Pacsai?



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Α.	After	Susan's	arrest,	I	learned
information	after.				

O. You are talking about March now,

A. That's correct.

 Ω_{\bullet} And you are saying that you did not learn about the possibility until after Susan Nelles had been arrested?

A. That's correct.

Ω. When did you first learn that there was some issue regarding digoxin in the death of Kevin Pacsai?

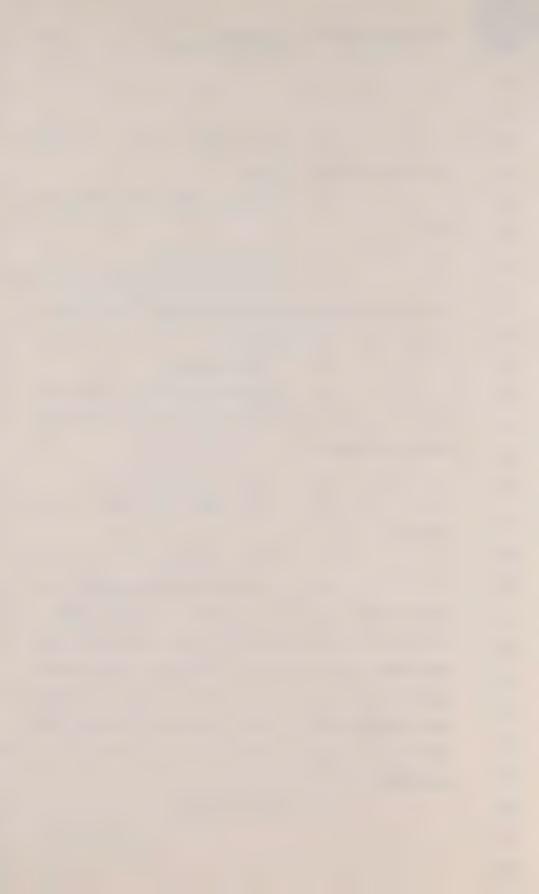
A. At the same time.

Again after the arrest of Susan

A. That's correct.

O. We know that Susan Nelles was arrested March 25th with respect to Justin Cook, and that further charges were laid against her two days later concerning, as it happens, Kevin Pacsai and the two other children. Do you recall now whether you learned about the issue involving digoxin with Kevin Pacsai before or after she had been charged with his murder?

A. It was after.



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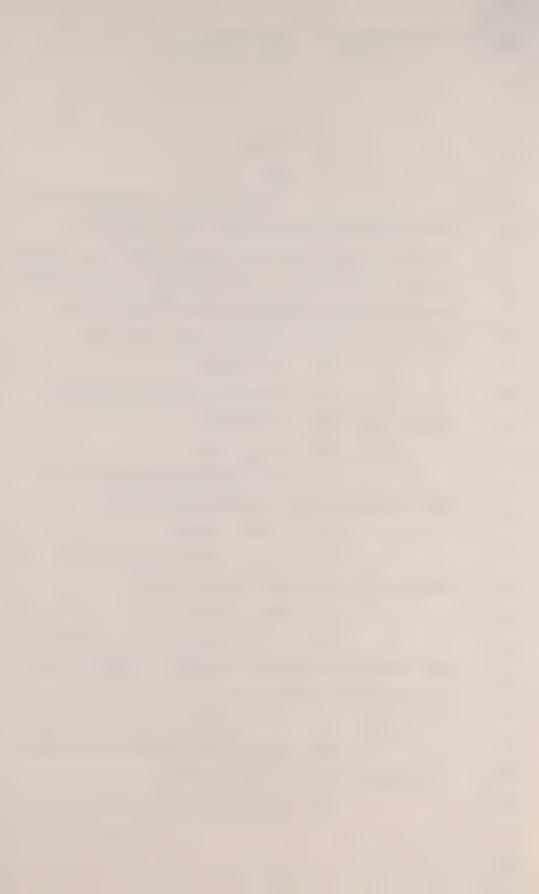
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- 0. After?
- Yes.
- Ω . We have heard in evidence from other witnesses, Ms. Brownless, that there was a meeting at Mrs. Radojewski's house during the evening on March 23rd, 1981. I don't intend to go into that meeting in detail with you, but I do have a few questions in light of what you have just said.
 - All right.
- O. Were you at that meeting on Monday, March 23rd at her home?
 - Α. Yes, I was.
- O. Was there not discussion that night concerning Kevin Pacsai and his death?
 - I don't recall. A.
- Do you recall any discussion that evening at all concerning Kewin Pacsai?
 - No, I don't. A.
- Do you recall any discussion at that meeting concerning an inquest, or digoxin levels with respect to any patient?
 - No, I don't.
- MS. CRONK: Would you show the witness, Mr. Registrar, please, Exhibit 309?
 - O. This exhibit, Ms.Brownless, is



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the handwritten notes prepared by Mary Costello of certain events that took place at the end of March, 1981. I would ask you to turn to page 4.

> Α. Yes.

O. And I direct your attention to the bottom paragraph beginning with the language: "In retrospect remember Susan saying 'I have got my private legal counsel from a lawyer roommate. I know I we didn't do anything wrong. I know I measured dig....'"

And above that the word:

"'Pacsai correctly. I remember small amount in syringe, plunger not far out, 1 squirt, checking with Mary Dean giving Kevin Pacsai last - right card..."

I believe:

"' Right baby could get through this,"

Do you see that?

Yes, I do.

O. With the benefit of those notes do you have any recollection at all of any discussion that evening by Susan Nelles which you had concerning



Kevin Pacsai?

A. The only thing I recall Susan Nelles saying was, she said, "I know I..."

I'm not sure if she said, "I" or "we":

"...we haven't done anything wrong and we have nothing to worry about."

And that struck me as unusual because I didn't know why she said it.

O. Do you recall that being said in connection with any child, or any of the events on the ward?

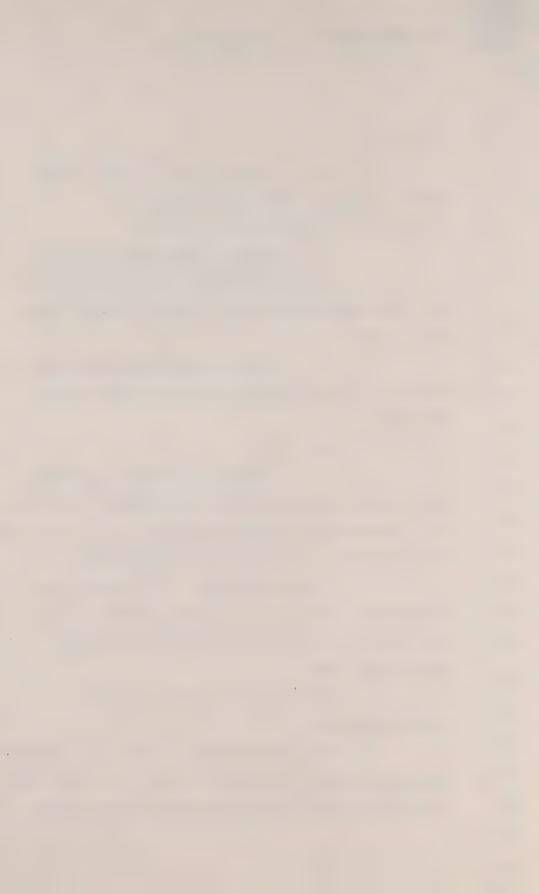
A. No.

O. We have also heard in evidence by Ms. Frise about certain of the events at that meeting. I would like to read you part of it, it is found at Volume 109, page 4696, she is talking about --

THE COMMISSIONER: I'm sorry, just a moment here. You may well be asking whether this is probably in Phase I or Phase II, is that what your concern is?

MR. BROWN: I trust Ms.Cronk's judgment on that.

THE COMMISSIONER: I was just wondering, this witness has very little to tell us. I don't know, is it going to be necessary to recall this witness,



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Mr. Percival, you don't need to answer that if you don't want to, for the second phase?

Brownless

dr. ex. (Cronk)

MR. PERCIVAL: I don't know.

THE COMMISSIONER: If there are some innocent questions, because I think the answers can only be pretty innocent.

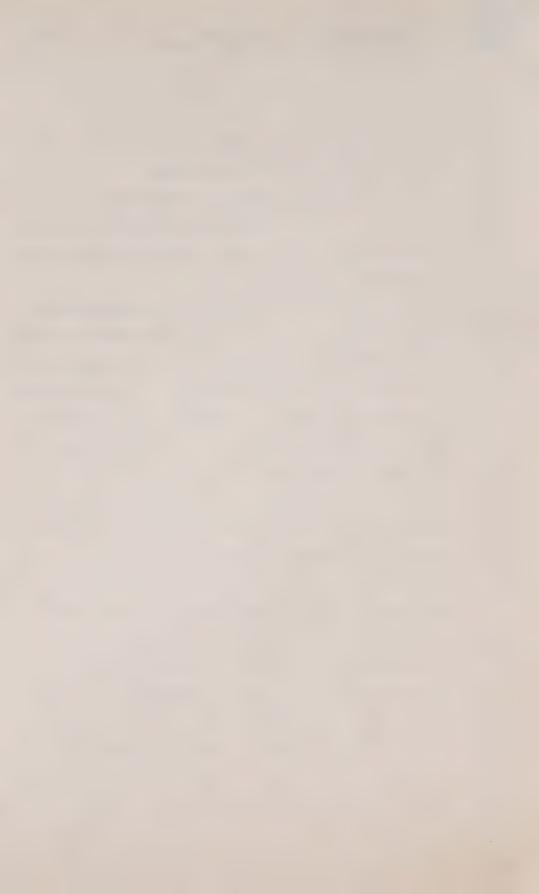
MR. PERCIVAL: I am concerned about them. I am aware there are other meetings quite apart from Monday the 23rd meeting that she attended, and that may be relevant in relation to the second phase. Without knowing what the question is going to be I would rather not get into the March 23rd because of the fact I think that is something that is --

THE COMMISSIONER: Well, you see the problem is it means she will have to come back and frankly I doubt if bringing her back is going to be that helpful. But, if it is, I obviously can't, having made this ruling, I can't refuse your application. I just mentioned it that if we can't get rid of it by a few pointed questions it would be helpful.

But you have an objection to something, Mr. Brown?

Under Phase II it was our expectation that this witness would be back and we would certainly want her back.

MR. BROWN: Well, something else.



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THE COMMISSIONER: You would want her back on Phase II?

MR. BROWN: Yes.

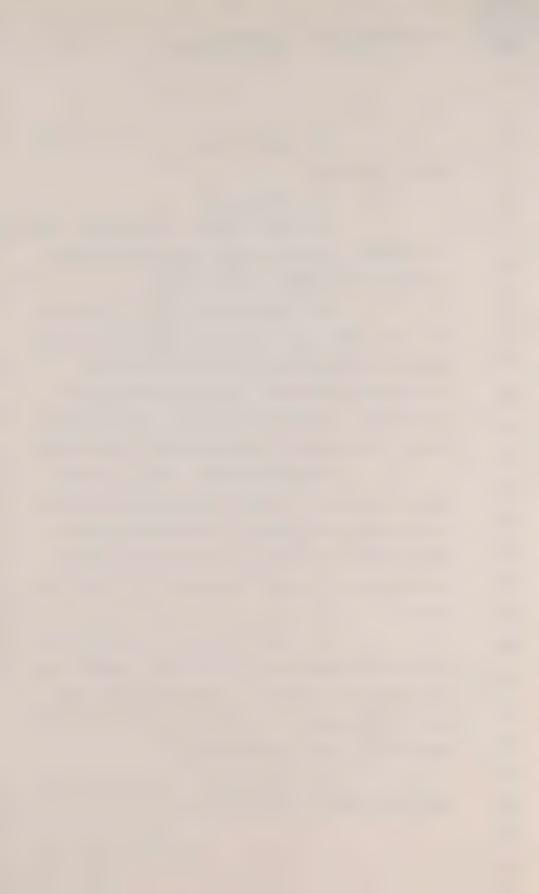
THE COMMISSIONER: I guess that resolves that problem. I would hope we could have avoided it but you don't think that is possible.

MR. BROWN: Well, I don't think it is any secret there was a number of nurses on the team who were interviewed the day Susan Nelles was initially arrested and charged with the death of Justin Cook. Ms. Brownless was one of them, and in light of that we would certainly want to pursue that.

THE COMMISSIONER: Well, you would want to pursue it if there is anything to discover, but if there is not going to be anything, that is really what I am getting at, if she really hasn't anything to tell us then we can save it. Mr. Olah knows.

MR. OLAH: Surely all that discovery can be done through the police officers and my client's statements are recorded. I really don't see the object of bringing her back a second time to confirm that she said that to the police.

THE COMMISSIONER: I just don't want her brought back, Mr. Brown, if there is some question



she is going to answer, I don't know, I don't remember. That would be disaster to do that, that's all.

That is why I was just suggesting that those sort of questions might be put.

MS. CRONK: Perhaps I can assist.

THE COMMISSIONER: Yes.

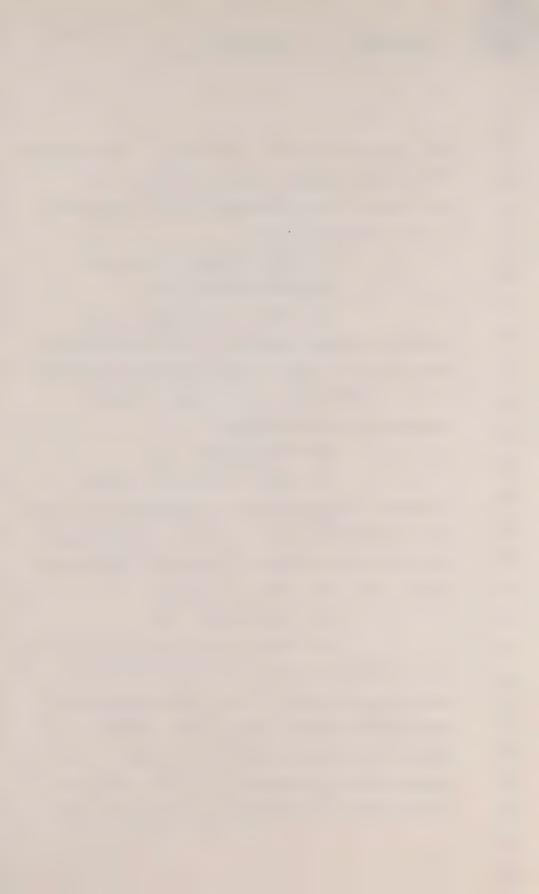
MS. CRONK: I can say that from commission counsel's point of view a determination has not yet been made on whether or not the witness will of necessity have to come back as part of commission counsel's evidence.

THE COMMISSIONER: Yes.

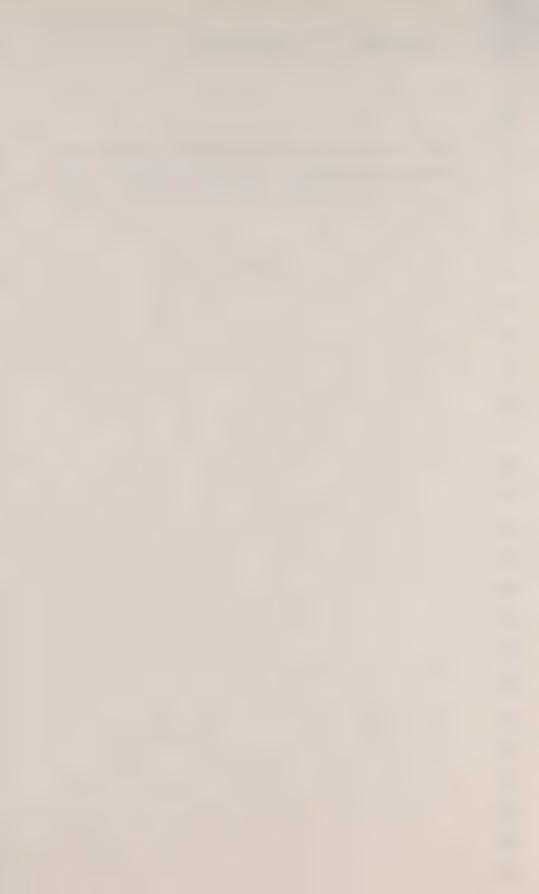
MS. CRONK: I can say, however, sir, my purpose in pursuing the two questions I have asked so far and the next two I propose to put are because in my view they related to the cause of death issue and that they are proper at this time.

THE COMMISSIONER: Yes.

MR. BROWN: Then I rise again, and that is the reason I initially rose, that if they are questions she is going to ask about the meeting on March 23rd relating to this witness' personal knowledge and going to the cause of death, I would suggest that the question just be put to her in a general fashion to get the fastest evidence we can,



and I am reluctant before commission counsel asks that question putting to her the evidence of another witness.



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MS. CRONK: I am sorry, sir, that's not unfair. I put the questions generally and received a do not recall and a denial and then put to her Miss Costello's notes. I have already asked her the questions, with respect to the general matters.

THE COMMISSIONER: We know what the problem is. Anyway let's carry on. Like all the other interferences I'm making in these proceedings they just seem to tend to prolong the agony, but I have at least, I think, have made myself clear. I don't want to have anyone brought back unnecessarily, but having made the ruling about Phase I and Phase II I only have myself to blame if they have to come back. That is all.

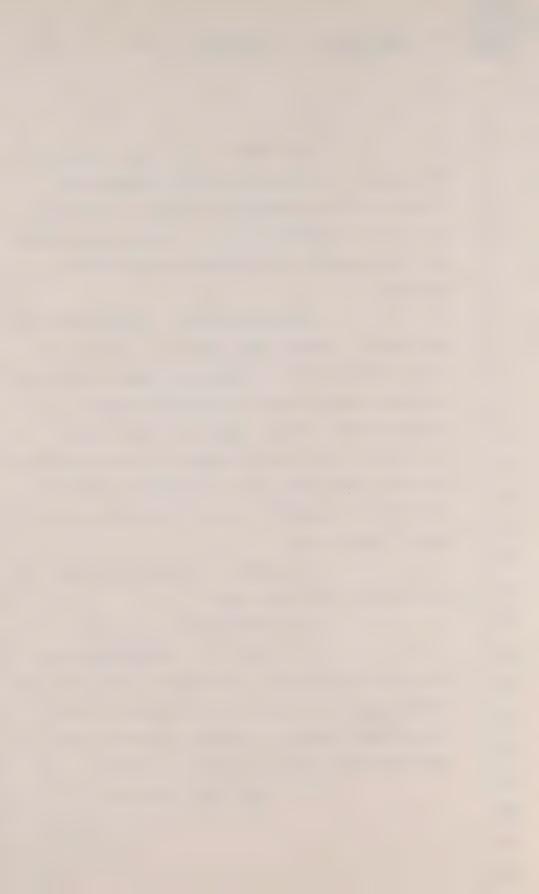
MS. CRONK: I understand, sir, your ruling and I am in your hands.

THE COMMISSIONER: All right.

MS. CRONK: Q. Miss Brownless,

so that I am clear, as I understand it you have told me that you do not recall any discussion at that meeting with respect to digoxin and Kevin Pacsai or any other child. Do I have that correctly?

A. Yes that's correct.



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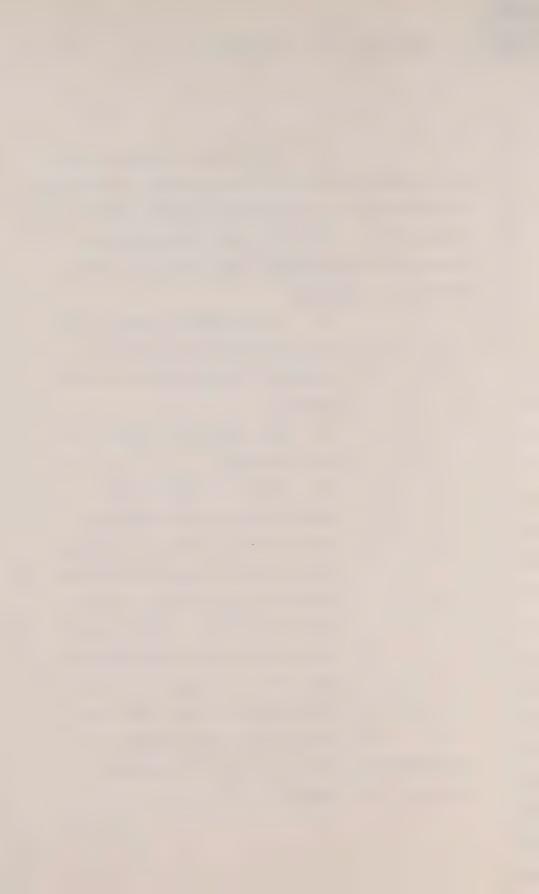
Q. I am going to suggest to you on the basis of the evidence of Meredith Frise before this Commission -- I am referring to Volume 109, sir, at page 4696 -- that Mrs. Frise has told this Commission that she asked Mary Costello at that meeting this question:

> "A. ... did some of these deaths or is this whole thing that is happening, does it have to do with digoxin?

> Q. Now, what prompted you to ask that question?

A. I think I asked her that question from being at work on Sunday when the digoxin was locked up and that the supervisors there watch you draw up digoxin or any other medications. It was like it was sort of a leak somewhere along the line that digoxin had to do with these deaths or just about the Pacsai death in particular."

Then continuing on on page 4697 at the bottom of the page, sir, line 21:



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"Q. All right. Did you raise the question with anybody else at the meeting, the question of digoxin involvement in any of the deaths?

A. No, I did not. I asked Mary and as soon as I asked her everyone listened; it went quiet, everyone listened and then that topic was kind of ended and wasn't commented on any more."

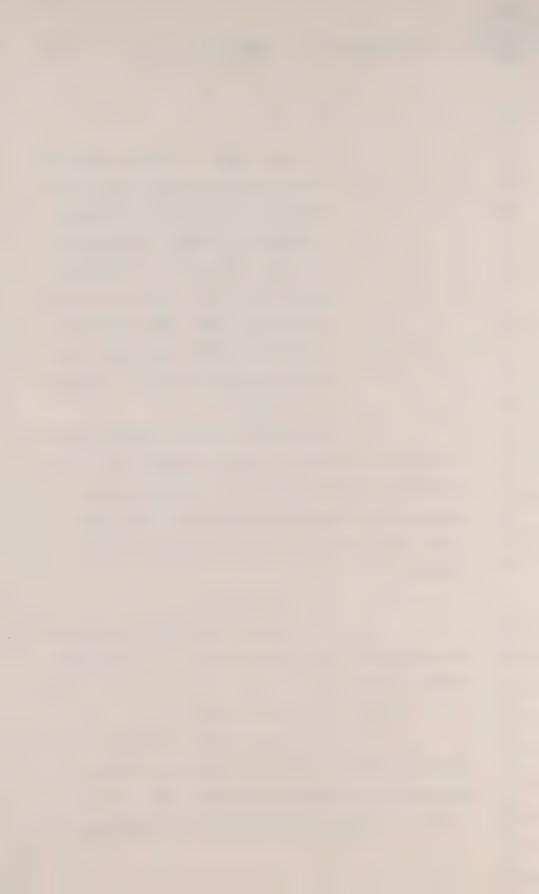
My question to you, Miss Brownless, do you recall Meredith Frise or anyone else raising specifically at that meeting on March 23rd, as a question, the possibility of digoxin involvement in any of the deaths that had taken place at the hospital?

A. No I don't.

Q. Do you recall any occasion when the room fell silent when someone in the room had posed a question?

A. No I don't.

Q. Do you know that there was, following the death of Kevin Pacsai and Michelle Manojlovich, another death on the wards, Kristin Inwood who died on March 13th? As I understand it





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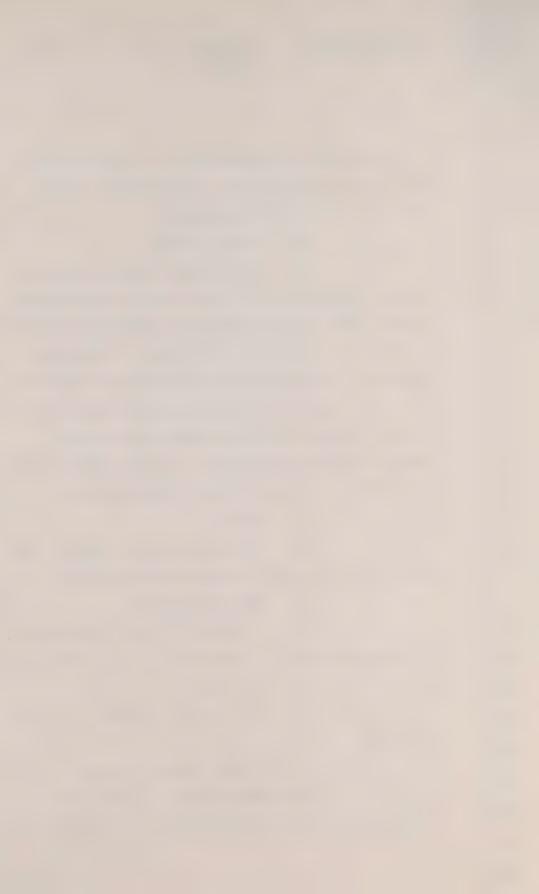
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you did not have any involvement in that patient's care, nor do you recall any circumstances of her death. Do I have that correctly?

- A. That's correct.
- By the time that she did die, however, Miss Brownless, there had been seven deaths on those wards starting with David Leith and virtually in a seven day period. Do you recall I asked you yesterday in a different context whether at any time during the fall of 1980 up to the end of December, 1980 the nurses on 4A/B had made jokes in your presence regarding the deaths occurring when one team was on duty? Do you recall my asking you that?
 - Α. Yes I do.
- And you said, as I recall your answer, that you didn't recall that happening?
 - That is correct.
- I ask you to look for a moment at the 4A WIN sheets. I don't know if you have them.
 - A. No I don't.
 - Q. Could I have Exhibit 335, Mr.

Registrar.

I don't know whether that is --THE COMMISSIONER: It was sign language about the break. It is still five minutes



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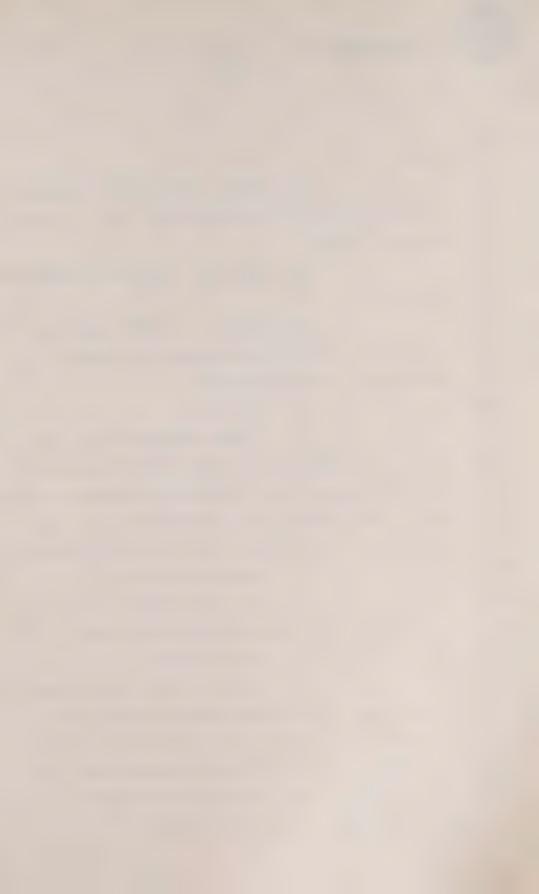
out.

MS. CRONK: I thought you had your stopwatch out on me, in which case I was in a good deal of trouble.

MR. PERCIVAL: My tongue was hanging

MS. CRONK: Q. Miss Brownless, could I ask you to look, please, at the week of March 9th. Do you have that?

- Α. Yes, I do.
- I have suggested to you, and I ask you to accept from me that Kristin Inwood died on March 13th and, as I read the WIN sheets, you were not at work that day, nor were you at work on the 14th or the 15th of March. Do I have that correctly?
 - That's correct.
- O. You did, however, come in and work long nights again on Monday, March 16th?
 - That's correct.
- O. In the context of the events on those wards in March up to March 16, 1981, Miss Brownless, do you recall any of the nurses on Ward 4A and 4B having made, in your presence which you can regard as a joke, concerning the deaths occurring when one team was on duty?



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A.	Could	you	repeat	that	question

Q. In the context of the events that took place in March I suggested to you that there were seven deaths in something like seven days on those wards. Do you know recall, thinking about it in the time frame of March 1981, any nurses on Ward 4A and 4B having made jokes in your presence regarding the deaths occurring when one nursing team was on duty?

THE COMMISSIONER: Don't answer it for the moment.

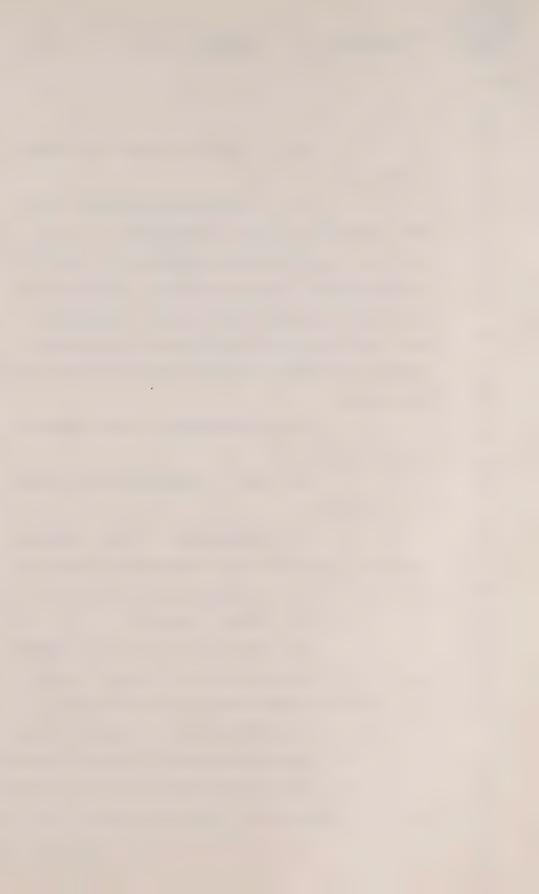
MR. OLAH: Excuse me, if my friend has a specific --

THE COMMISSIONER: Yes, I think it would have been better if -- there may be something else, but is this the famous six out of seven?

MS. CRONK: No sir.

MR. OLAH: Well, if it is something else and my friend has a specific matter in mind I would appreciate that being put to the witness.

THE COMMISSIONER: I think we are going to have the first question and see if it comes out, because that is a non-leading question and then see if it comes from the witness and then we will put



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the leading question -- and the answer is I don't remember and that I think is really the way it should be done.

MR. OLAH: Of course, that leading question or the general question was put yesterday.

MS. CRONK: Not in this time frame,

Mr. Olah.

is, too.

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MR. OLAH: Well, it may be that it wasn't put in March, but my recollection was that that general comment was already put in and I would appreciate the witness' attention being directed.

THE COMMISSIONER: Yes, all right. It will be after the first answer, I take it. Yes, all right.

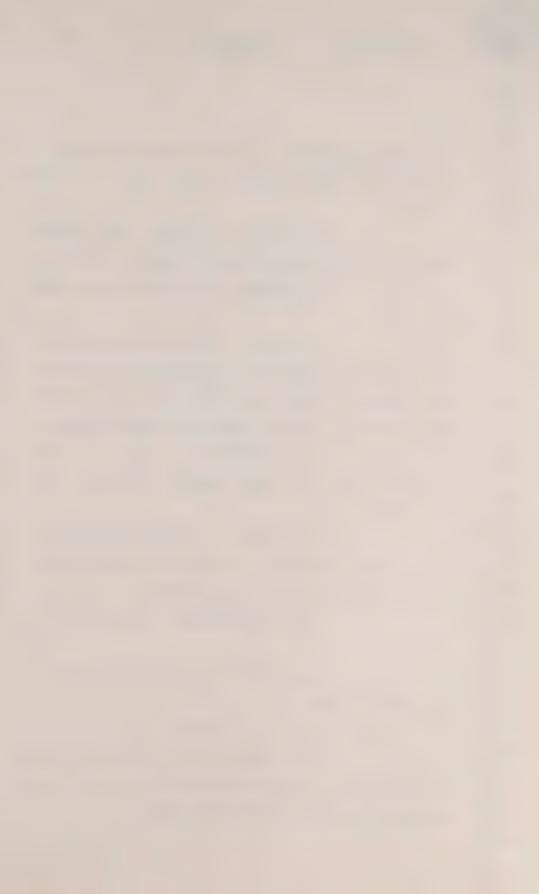
MS. CRONK: I would have thought that was the proper way to do it, sir, to give her an opportunity to answer the question.

THE COMMISSIONER: Yes I think it

MS. CRONK: 0. You don't even remember it now?

A. No I don't.

THE COMMISSIONER: We are giving you lots of time to remember this event if it did occur. You don't remember a joke being made?



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THE WITNESS: No I don't remember

THE COMMISSIONER: Now, get on to the specific question.

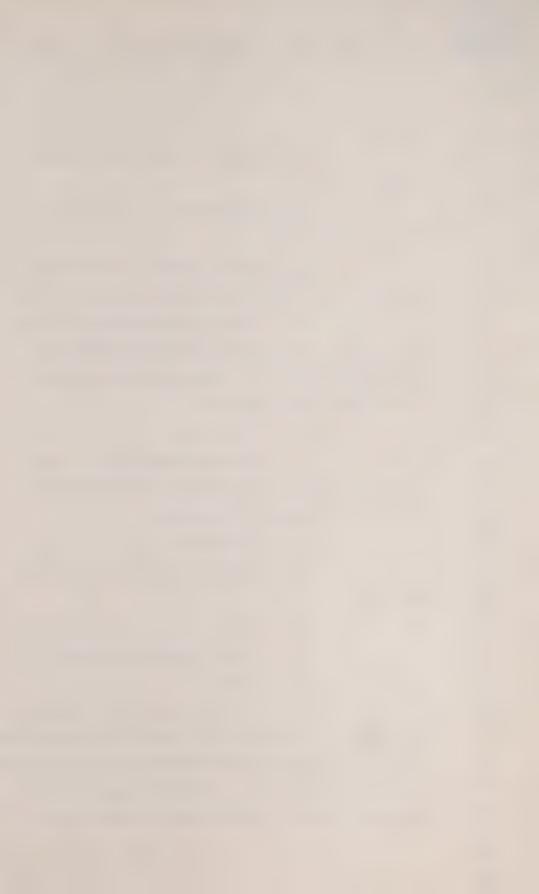
MS. CRONK: I don't know whether to thank you sir or the witness for the answer.

Q. Miss Brownless, again, do you recall being interviewed by Commission Staff to prepare or discuss the evidence that you would be giving before this Commission?

- A. Yes I do.
- Do you remember being inter-0. viewed on February 29th, that is the Wednesday of last week, for exactly that purpose?
 - Α. Yes I do.
 - Q. Was Mr. Olah present at that

meeting?

- Α. Yes.
- Q. Miss Fineberg and myself?
- Α. Yes.
- Do you recall, and I suggest to Q. you, that you told Commission Staff at that time that the nurses on Wards 4A and 4B used to make jokes that if there was going to be a death it would be on a particular nurse's team and that you heard those



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jokes being made? Do you recall your having said that?

- A. I recall saying that.
- Q. All right. Do you recall now what team it was with respect to when those jokes were being made?

THE COMMISSIONER: She has now said that she recalls saying it. She hasn't yet said that she recalls it having been said.

MS. CRONK: Q. Do you recall, in fact, having heard nurses make jokes in that regard?

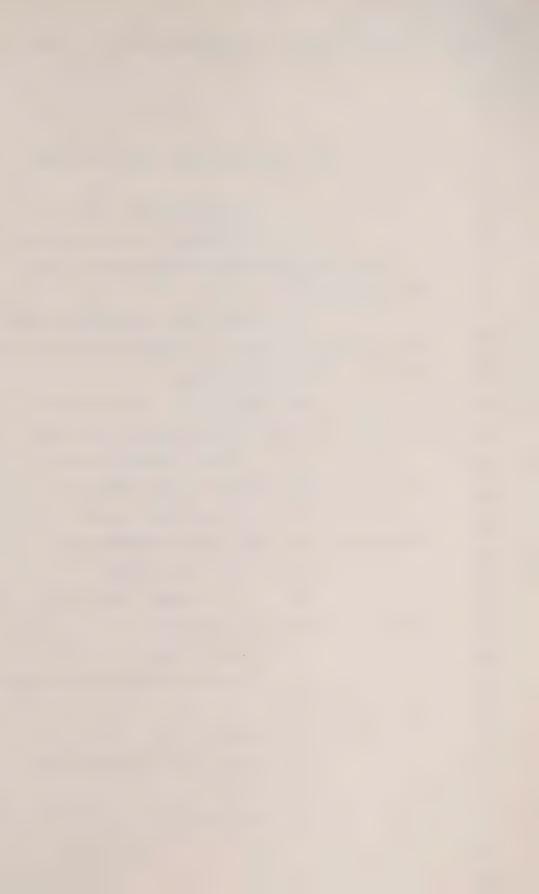
A. I recall hearing it, but I can't recall anyone saying it to me directly.

Q. Do you recall a clear recollection in your mind having overheard it?

- A. Fairly clear, yes.
- Q. Do you recall, was it one occasion or more than one occasion?
 - A. I can't recall.
- Q. Do you recall specifically however one occasion?
 - A. Yes.
 - Q. Do you recall now when that

was?

A. No I don't.



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Q. Do you recall who made the

No I don't. A.

0. Do you recall what the remark

If there was going to be a Α. death it would be on Phyllis' team.

0. You don't recall, I take it, having heard that said on any subsequent occasion?

> Α. That's correct.

Was it by March 16th, 1981, Miss Brownless, common knowledge on the wards that there were a great many arrests occurring? I have suggested seven in seven days and those arrests were occurring in the presence of one nursing team?

> Α. That's correct.

Did you attribute any significance to that remark when you heard it?

Could you repeat that?

When you heard that remark there was going to be a death, as you have told us what the remark was, did you attribute any significance to it?

A. I don't think I actually thought about the remark at all.

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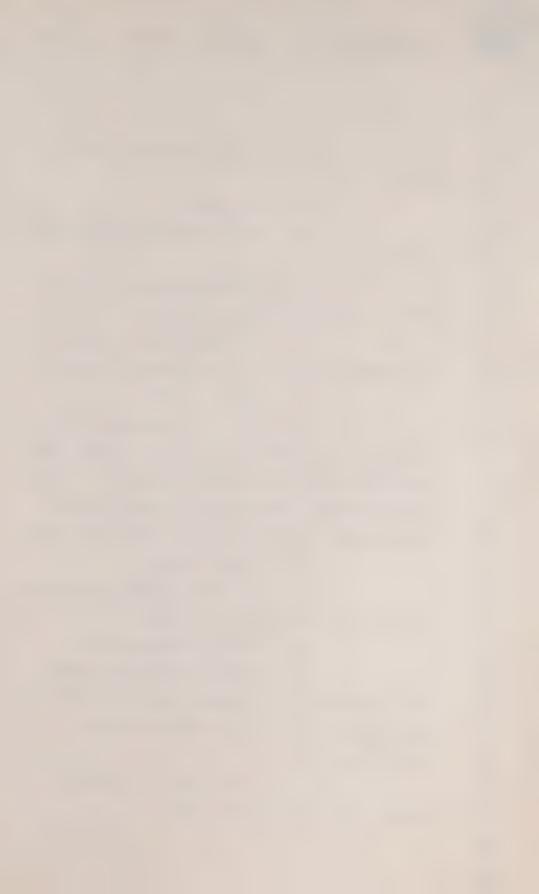
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Q. Did you regard it as a joke at

A. I don't know how I regarded it. MS. CRONK: Sir, do you wish to take a break now? I am about to move into another area.

THE COMMISSIONER: Yes. It will please Mr. Percival, so I think we will take it, 20 minutes.

MS. CRONK: Thank you, sir.

--- Short recess



H BM/PS

---Upon resuming.

THE COMMISSIONER: Ms. Cronk.

MS. CRONK: It is my understanding, sir, that before we start again Mr. Hunt has some remarks he would like to make.

THE COMMISSIONER: Yes, Mr. Hunt.

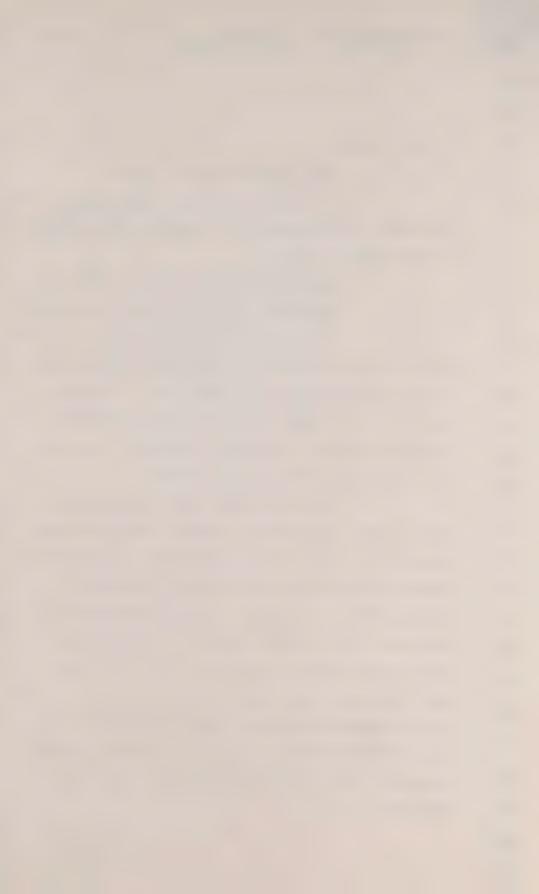
MR. HUNT: Thank you, sir, if I might.

There is a matter which has been of some concern to me since Monday of this week that I would like to clarify with you at this point. It really arises out of a remark that was made by my friend Mr. Sopinka when he was here, although, it is not the remark that causes me the concern.

You will recall when I objected to a question that was asked Mr. Sopinka said in a rather humourous vein that he was surprised at my objection inasmuch as my tenure here was being challenged in some quarters. I certainly take no exception to his remark made the way it was but he did raise a matter that I believe involves a letter that Mr.

Alan Borovoy, the Counsel for the Canadian Civil Liberties Association sent some weeks ago to

Civil Liberties Association sent some weeks ago to the Attorney General, I think it was dated February 24th and it was extensively reported in the media at that time.



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He complained to the Attorney General of a number of things including --

MR. OLAH: Excuse me, while these submissions are being made may Ms. Brownless be excused? I know she is all hooked up.

THE COMMISSIONER: Can you unwire your-

MR. OLAH: I'm sure she would be delighted, Mr. Commissioner.

THE COMMISSIONER: Yes, by all means.

MR. OLAH: And if you would like to

have a seat with your husband at the back. ---Witness withdraws

THE COMMISSIONER: Yes.

MR. OLAH: Thank you, sir.

MR. HUNT: And Mr. Borovoy in his

letter complained of a number of things, one of which was the status of myself as counsel for the Attorney General and the various other interests that I represent; the other was the status of Counsel for the police. I believe those matters were reported in the media and I believe that that is what my friend was referring to the other day.

My purpose in commenting on that at this time is so that my silence when it was raised for the first time in front of you on Monday, the fact



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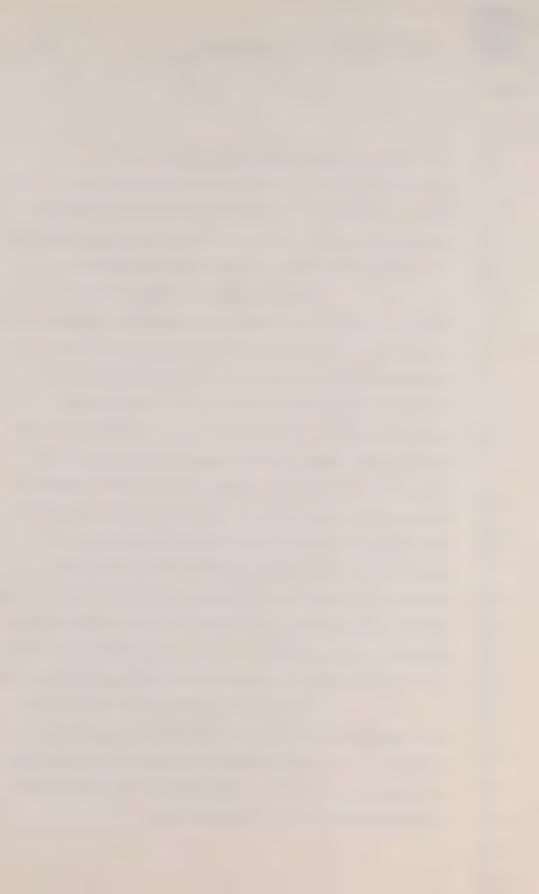
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that this challenge was being made in other quarters does not in any way reflect any change in the position that we have taken several weeks ago with respect to matters that are properly dealt with before you being dealt with outside this hearing room.

I want to make it clear that Mr. Borovoy will no doubt get an appropriate response from the Attorney General in due course but it is not my intention, or the intention of any our clients, to engage in any public debate in the media about matters such as our status here or the status of the police, that those in our opinion are matters that are properly brought to your attention and discussed here, argued here for your decision and not something that should be dealt with by us or any of the parties here in a public media forum, that that would be an unseemly situation and I wanted you to know that we respect the views that you expressed several weeks ago with respect to this issue and we won't be getting involved in that type of a public debate on it.

I say emphatically that if there is any question with respect to our status then by all means let the interested party bring it here, discuss it with you, we will be prepared to respond to it in an appropriate fashion at that time.



In our submission you are the appropriate person to deal with those issues here and not elsewhere. I am certainly drawing this to your attention at this time because on Monday for the first time really the question of some debate in another quarter was referred to and I want it clearly on the record that our position with respect to matters being dealt with and debated elsewhere hasn't changed at all and we don't intend to get into that sort of a debate.

THE COMMISSIONER: Well, I didn't take Mr. Sopinka seriously.

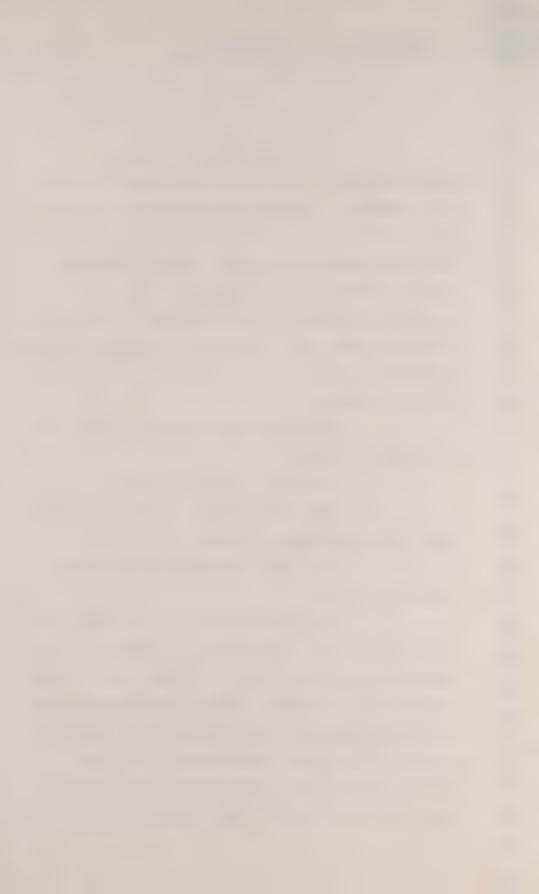
MR. HUNT: I didn't either.

THE COMMISSIONER: I thought it was a joke. Am I mistaken, Mr. Brown?

MR. BROWN: That was my impression, simple good humour.

our colleagues have strange senses of humour. I have been refuted to have a pretty strange sense of humour sometimes but I certainly didn't take that seriously.

No one has raised here any issue about your presence and your role to play. Mr. Borovoy sent his letter to the Attorney General, he sent it via the Globe & Mail and several other newspapers but he never



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sent it to me. He is not a party here anyway. No-body here has raised any such issue. I certainly won't deal with it until it is raised and I am not inviting anybody to raise it.

MR. HUNT: I appreciate that.

THE COMMISSIONER: Does that resolve

your problem?

the matter.

you.

MR. HUNT: Yes, it certainly clarifies

THE COMMISSIONER: Yes.

MR. HUNT: I think all the positions are now fairly on the record.

THE COMMISSIONER: Yes, all right, thank

MR. HUNT: Thank you.

JANET BROWNLESS, recalled.

MS. CRONK: Q. Thank you, Ms.

Brownless. You will recall that before we took our break we were discussing certain of the events that had occurred at the hospital and on March 16th when you came back after having had several days off. Do you recall, Ms.Brownless, prior to March 16th, 1981, anyone on the wards referring to something called the witching hour?

A. Yes, I do.



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Ω. Who	said	this
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A. I remember on one occasion

Phyllis said that to me.

- O. Do you recall when that was?
- A. Not the exact date, no.
- O. Was it prior to March 16th?
- A. Yes, it was.
- O. Was it prior to Christmas, 1980?
- A. It was after Christmas.
- O. All right. Do you recall when between January and March 16th the incident occurred?
 - A. No, I don't.
- O. And what specifically was said as you recall it?
- A. Just, we are coming up to the witching hour.
- O. Was that said during a day shift or a night shift?
 - A. A night shift.
- Q. Was it said with reference to a particular time in the evening?
- A. It was coming up to midnight and I took it in reference of anywhere from midnight to 4 or 5 in the morning.
 - Q. I'm sorry, what did you understand



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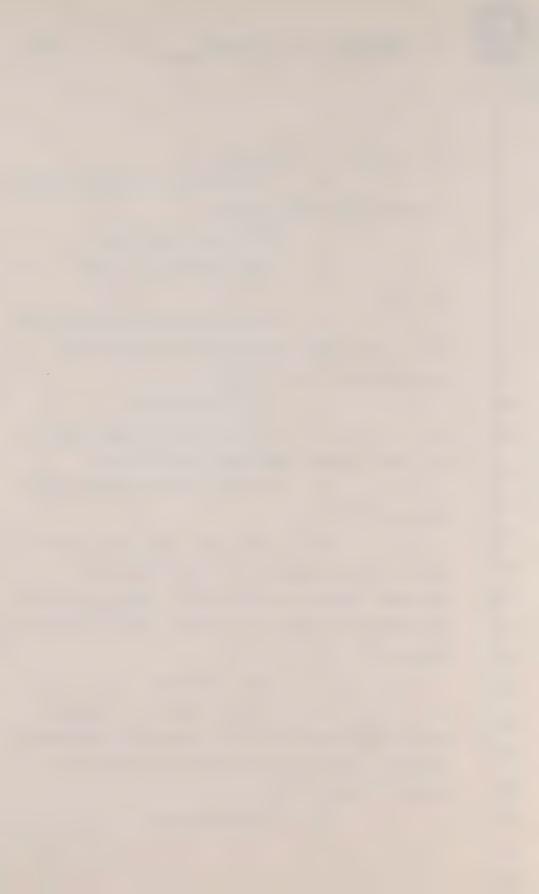
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Mrs. Trayner to	be re	ferrin	g to:
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A. Well, mostly the deaths occurred on nights during those hours.

- Q. What hours were those?
- A. After midnight to 4 or 5 in the morning.
- O. Did you recall that remark being made at any other time in your presence or that you overheard by Mrs. Trayner?
 - A. No, I don't recall.
- O. Do you recall it being made at any time by anyone else that you overheard?
- A. I never overheard anyone else say it.
- Q. Is it your clear recollection that it was your impression at the time time that Mrs. Trayner was referring to the hours between 12 midnight and 4 and 5 in the morning, as you have suggested?
 - A. That's correct.
- O. Do you recall, Ms. Brownless, being interviewed by Officer John Murray and Sergeant Sherlow of the Metropolitan Toronto Police on August 4, 1982?
 - A. That's correct.



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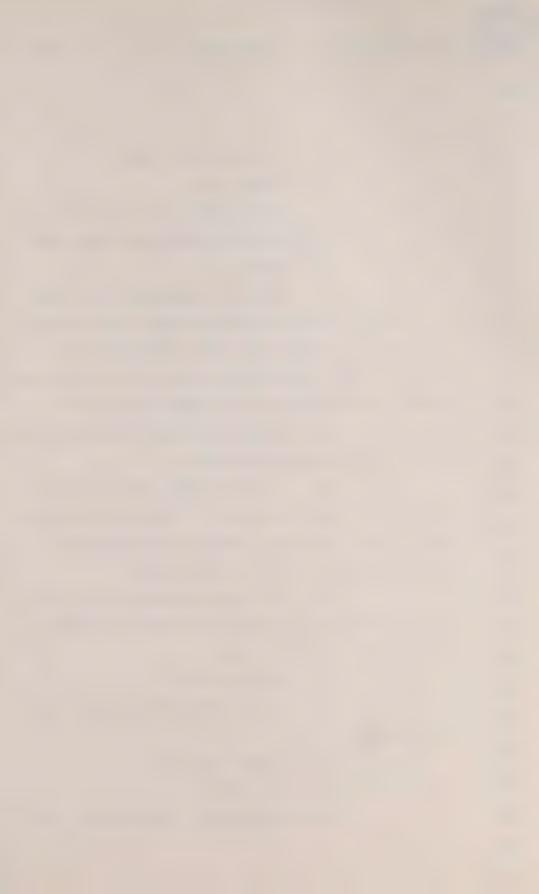
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- O. Do you recall that?
- A. Yes, I do.
- O. Do you recall at that time this matter coming up during your discussions with them?
 - A. Yes.
- O. And if I suggested to you that the police officers have recorded that you said that you heard Mrs. Trayner make that reference with respect to the hours between 1 a.m. and 3 a.m. in the morning, does that help you refresh your memory in any way as to what precisely was said or do you recall what you said to those officers?
- A. I recall what I said to them, I don't recall saying hours but if they have it written down, I must have, but I recall it being anywhere after midnight to 4 or 5 in the morning.
- Ω. You have suggested that if they have it written down you have no reason to suggest that that isn't what you said?
 - A. That's correct.
 - O. Is it likely that you did, or

do you know?

- A. I don't recall.
- Ω. All right.

THE COMMISSIONER: Historically, isn't



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the witching hour midnight?

MS. CRONK: I'm sorry, sir?

THE COMMISSIONER: I don't know, that's the way I was brought up but I am never up at the witching hour so I don't know.

MS. CRONK: It is a no-win situation, sir, whatever I said.

THE COMMISSIONER: All right.

MS. CRONK: Q. Ms. Brownless, another child died on the wards during the month of March, March 18, 1981 at 4:30 in the morning, her name was Charlon Gardner. Could I ask you to refer again to Exhibit 32-A, this time to tab 13, which is the Ward 4A assignment book at page 170.

A. I have them.

O. To you have that?

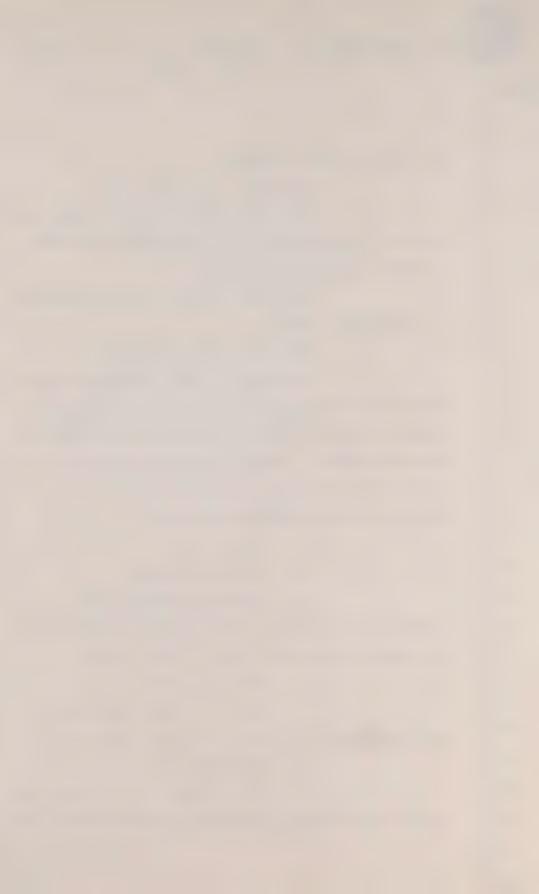
As I read the assignment book entries for the Ward 4A on the night of March 17th you were on long night duty, is that correct?

A. That's correct.

O. You had at that time, is it four patients in Room 425 and three in Room 418?

A. That's correct.

O. Mrs. Trayner was in charge and appears not to have had any patient assignments that



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evening.

- A. That's correct.
- Ο. Mrs. Scott was on duty and had two children in Room 418 on a shared care basis.
 - That's correct.
- And Mrs. Christie was on duty, had four children in Room 421, one in 426 and one in 423, is that correct?
 - Α. That's correct.
- If we look to earlier in the day, 0. that is the evening shift from 3 in the afternoon until 11 at night we see that Charlon Gardner was in Room 418 in the care of Ms. Ganassin, do you see that?
 - Yes, I do.
- Q. And am I correct in concluding from the entries in the assignment book that at that time Charlon was on a shared nursing care basis with one other patient in the room?
 - That's right.
- And we have seen that you had three patients in Room 418 that night. Were any of those patients Charlon Gardner?
 - No, it wasn't.
 - Was she then in the care of Mrs. 0.



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Scott?

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A. Yes, she was.

O. All right. Could I ask you to turn to the next tab, tab 14, the 4B assignment book for that night, pages 138 and 139.

THE COMMISSIONER: 138?

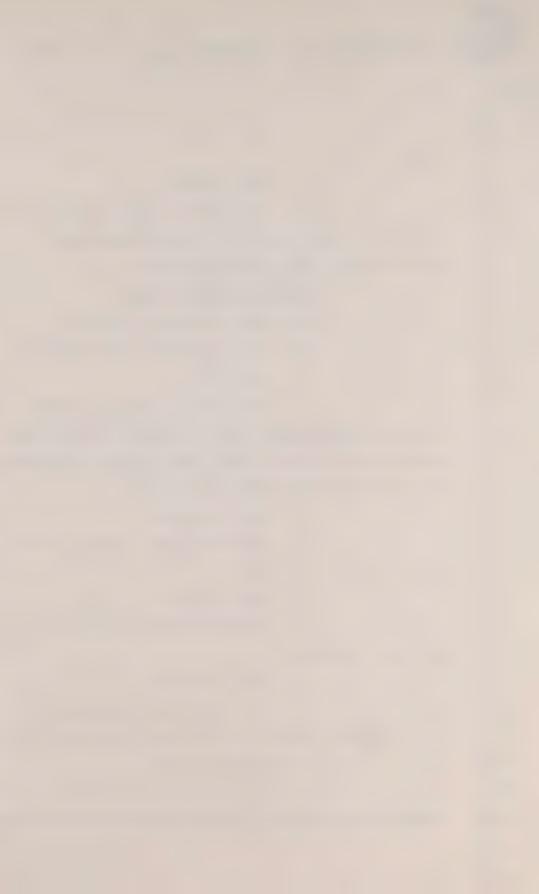
MS. CRONK: 138, sir, and 139.

- Do you have that, Ms. Brownless?
- Yes, I do. A.
- 0. As I read the entries we can identify the women who were working on the long night shift but we can't tell what their patient assignments were, nor which room they were posted to.
 - That's correct.
- O. And Bertha Bell appears to have been the nurse in charge?
 - That's right. Α.
- She may or may not have had any patient assignments.
 - That's correct. Α.
 - Ms. Reaper, Ms. Whittingham, 0.

Mrs. Lyons were also on duty on the long night shift?

- That's correct.
- O. Was it your understanding, Ms.

Brownless, that when a nurse was posted or assigned to



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shared nursing care duty that she required a specific person to relieve her for her breaks just as would be the case if she was on constant nursing care duties?

- A. That's my understanding, yes.
- O. You had three patients in Room
 418 that night and we have seen that Mrs. Scott had
 two in the same room, that appears to have been for
 that evening, that night, the full occupancy in Room
 418. Do you recall when you came on duty that night
 observing Charlon Gardner and her condition?
 - A. I don't recall.
- O. Do you recall at that time at any stage during the course of that 12 hour shift noticing anyone administer any medication to Charlon Gardner?
 - A. I don't recall.
- O. Do you know when Mrs. Scott took her first coffee break that evening?
 - A. No, I don't.
 - O. Do you know who relieved her?
 - A. I presume Phyllis did.
 - Ω . And again you are presuming that
- because Mrs. Trayner was in charge that night?
 - A. That's correct.



- Ω . Do you recall whether or not Mrs. Scott was on her first coffee break at the same time you were?
 - A. I don't recall.
- Q. Do you recall or do you know when she took her lunch or supper break that night?
 - A. No, I don't.
- Q. Did you at any time that night while you were in Room 418 taking care of your three patients observe any nurse in that room other than Sui Scott?
 - A. Other than Sui Scott?
 - Q. Yes.
 - A. Phyllis Trayner.
- O. Can you tell me please when you saw Mrs. Trayner in Charlon Gardner's room?
- A. Well, I can't recall what times.

 It was just before Charlon Gardner took a turn, Sui

 Scott wasn't in the room, I was in the room doing

 something with one of my children. I can't recall if

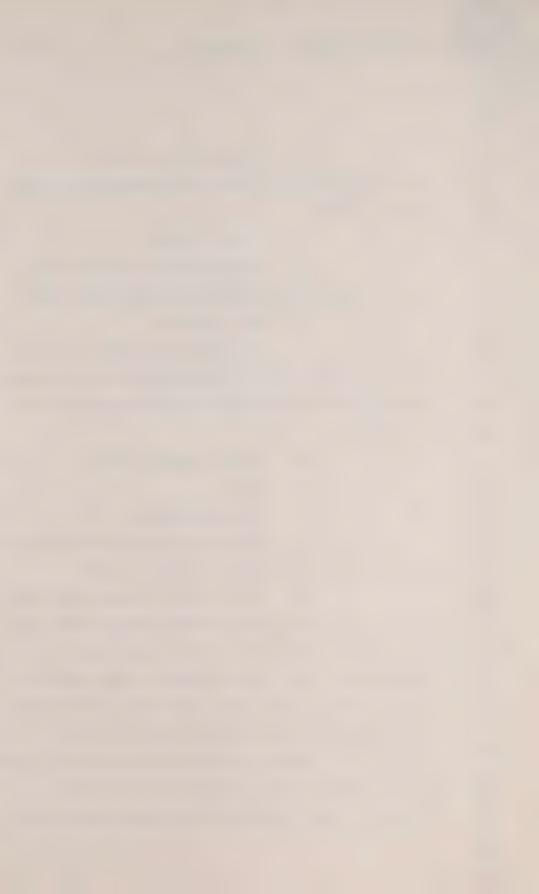
 I was finishing feeding or vital signs, and Charlon

 Gardner's monitor started dropping and Phyllis

 turned to me, she was tending to the other child that

 Sui was looking after and said, go get Sui, and

 I left the room to get her and she came back in the



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room and that's all I can recall.

Q. Was it shortly after that episode that Charlon Gardner went into arrest?

THE COMMISSIONER: I am sorry, she took a turn. Was that an arrest at that time?

THE WITNESS: Well, her apex was

A. That's correct.

THE COMMISSIONER: I see. Have we got that medical chart?

MS. CRONK: Yes, we do, sir.

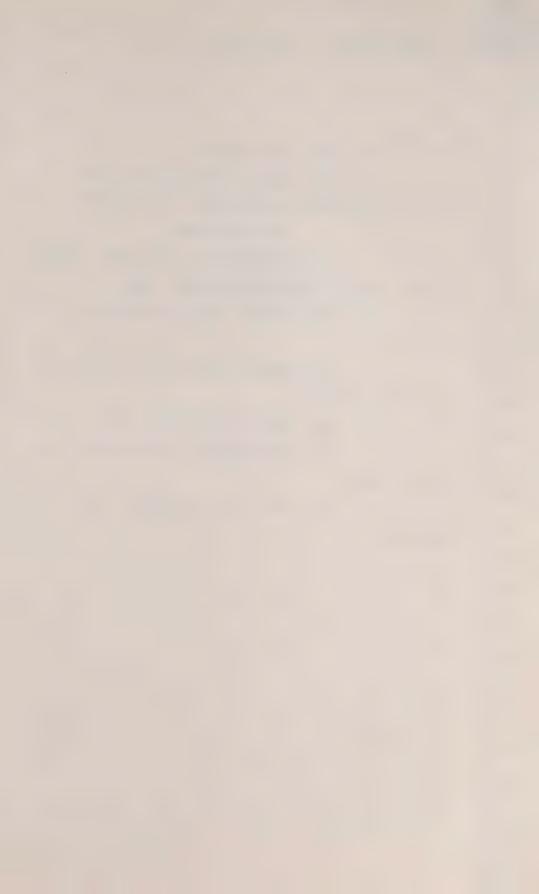
THE COMMISSIONER: Could we see the

medical chart.

MS. CRONK: It is Exhibit 114, Mr.

Registrar.

dropping.



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I suggest, sir, you look first at page 57. Do you have a copy of it there, Miss Brownless?

- Yes, I do. A.
- 0. Do you have page 57?
- A. Yes, I do.
- 0. That appears to be the long night nursing note completed by Mrs. Scott for the night that Charlon Gardner died, is that correct?
 - That's correct. Α.
- And if we look to the notations that Mrs. Scott has made, she has recorded that at 3:35 in the morning the apex of the child dropped to 122 and became very irregular, and doctor, is that Kobayashi?
 - That's correct.
 - 0. Dr. Kobayashi was called?
 - That's correct. Α.
- And then she has recorded that Q. the child went into ventricular flutter, do you see that?
 - No, I don't. A.
- "Babe went into ventricular
- flutter", am I reading that correctly?
 - Where, further down? A.

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		Q.	Directly	under	the	name
Dr.	Kobayashi.					

A. I don't see that. Oh, I see it, yes.

Q. Now earlier in the same note, dealing with the child's apex, Mrs. Scott first recorded the child's vital signs. She also indicated that the child's apex was between 178 to 162 and regular until approximately 3:30 a.m. when the rate dropped to 122 and became very irregular; do you see that?

A. Yes, I do.

Q. Would it be fair of me to suggest then that on the basis of Mrs. Scott's note if her timing records are in fact accurate, that the child's apex appears to have dropped to 122 for the first time some time between 3:30 a.m. and 3:35 a.m. in the morning?

A. That's correct.

Q. And thereafter Dr. Kobayashi was called and subsequently a Code 25 was called, a resuscitation attempt was undertaken and ultimately the child was regrettably pronounced dead; do you see that?

A. Yes.



	Q. L	ooking a	at the tir	ning that
Mrs. Scott has	recorded,	does th	hat help y	you in any
way in fixing t	he time w	hen you	observed	Mrs.
Trayner in Room	1 418 when	you we:	re there,	as you have
just described	it?			

A. I can't say for sure.

Q. Do you recall specifically that the time when you observed Mrs. Trayner in the room and the time when she asked you to seek out Sui Scott, that that occurred shortly before the child went into arrest; or do you remember whether there was a time interval between the two events?

A. It was shortly before the child went into arrest.

Q. Were you in the child's room when Dr. Kobayashi arrived?

A. No, I wasn't.

Q. Had you been aware prior to reading this progress note that he had been called?

A. No, I wasn't aware.

Q. We know that you had I suggest three patients in Room 418 that night?

A. Yes.

Q. Mrs. Scott appears to have had two, the only other two in the room that night?



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that night?

my medication

whether in the

not.

A. Yes.

Q. And I take it because you had patients in another room as well you would have been in and out of Room 418 on a fairly regular basis during the course of that shift, do I have that correctly?

A. That's correct.

Q. And if any of your three patients in Room 418 had required medications to be given throughout the course of that long night shift they would not have been given by you but by someone else?

A. That's correct.

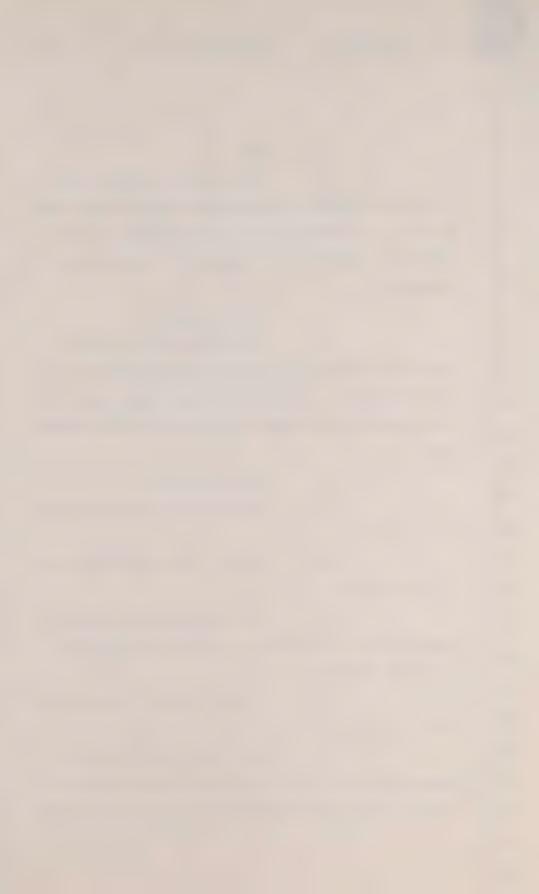
Q. And who gave your medications

A. Usually the team leader gave my medications.

Q. Do you specifically recall whether in this instance it was Mrs. Trayner who gave your medications?

A. I don't recall if she did or

Q. And I take it then that if medications were to be given to your patients, and if as is the normal course as you suggested it would



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be Mrs. Trayner, she would have been in Room 418 on an earlier occasion to do precisely that?

- That's correct. Α.
- Do you recall being there when she administered any medications to any of your patients in Room 418 that evening?
 - I don't recall being there, Α.
- If you look at the names of 0. the children that you did have in 418 that night, which are in the assignment book, that is Tab 13.
 - What page? A.
 - Page 170-171. 0.
 - I have it. A.
- Does looking at the names 0. assist you in any way in recalling, and I recognize it is very difficult to do it without the medical records, but does it assist you in any way in recalling when those children who were in your care in Room 418 were to receive medications that night?
 - A. If they were on medications?
 - If they were on medications. 0.
- I can't recall, but the normal A. times for giving medications on our floor are 9 and 2100 hours.



Q. And I take it that because i
was part of the normal process on those wards for a
team leader to give your medications, it would not
be regarded at all as unusual in any way for Mrs.
Trayner to have been in Room 418 giving your meds
if they had to be given that night?

- A. That's correct.
- Q. And similarly you have told us that the normal routine was that Mrs. Trayner as the nurse in charge, the team leader that night, she would most likely have relieved Mrs. Scott when she took her breaks?
 - A. That's correct.
 - Q. And you told us that Mrs.

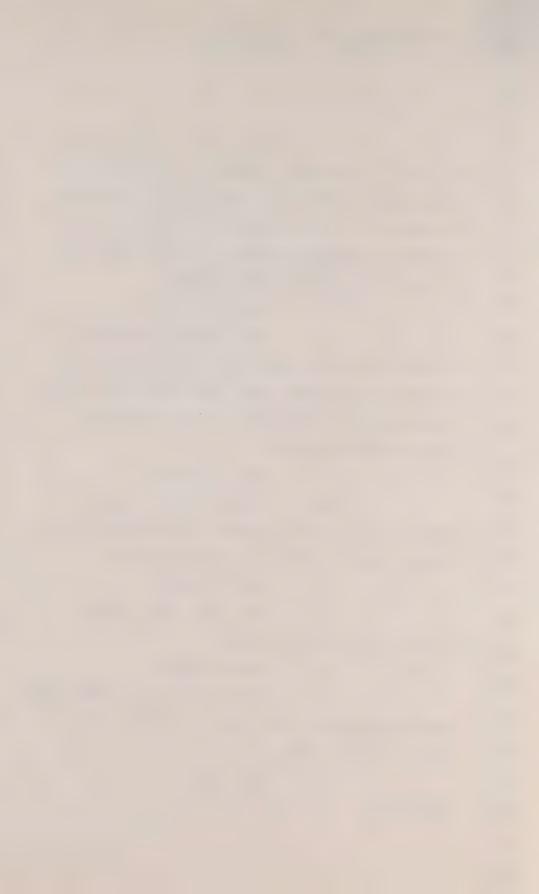
Scott was not in the room when you observed Phyllis
Trayner there attending to another child?

- A. That's correct.
- Q. And that's when Charlon

Gardner's apex began to drop?

- A. That's correct.
- Q. Would it be a fair conclusion then that Mrs. Scott was being relieved by Mrs.

 Trayner at that time?
- A. Yes, that's a fair conclusion.

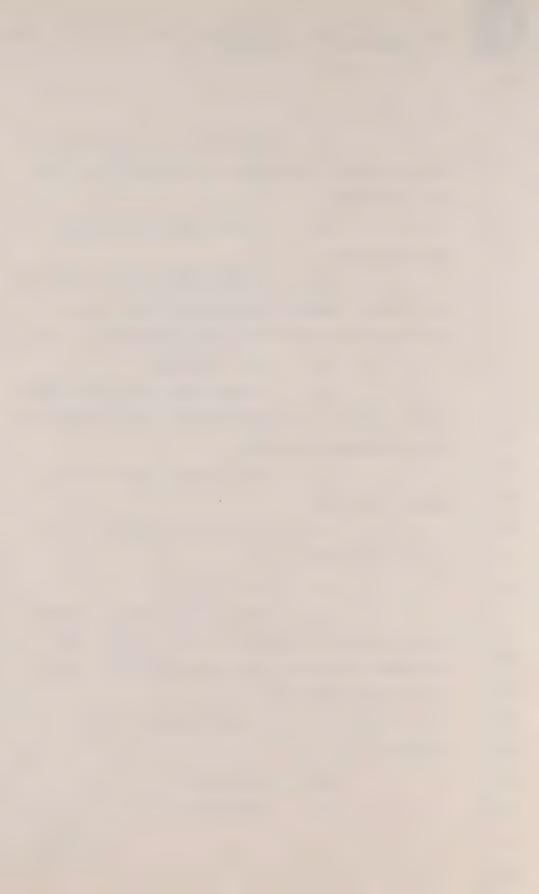


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Trayner	entered	the	room,	or	did	she	come	in a	fter
you were	there?								

- I can't recall who was in the room first.
- Q. At any time up until the time that Charlon Gardner was pronounced dead, did you observe anyone administering any medication to her?
 - No, I did not. A.
- At any time during the course of that entire 12 hour night shift, did you observe anyone feeding the child?
- A. No I didn't observe anyone feeding the child.
- 0. Did you participate in her resuscitation effort?
 - No, I did not.
- Were any concerns expressed in your presence, which you can now recall, after her death regarding either the cause of her death or the timing of her death?
- I don't remember any A. concerns.
 - By anyone? 0.
 - A. By anyone.



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Q. Could I ask you then to lend
your mind to the events of the weekend of March the
20th and March 21st. If you have the 4A assignment
book open there, Tab 13, could I ask you to turn
first to page 176.
A. I have it.
Q. These are the assignment
book entries for Friday March 20th. As I understan
it until ll o'clock in the evening you served as

That's correct. A.

relief on another ward, do I have that correctly?

What ward was that? Q.

7A. Α.

Was that the infant surgery Q.

ward?

That's correct. A.

And then after 11:00 p.m. 0.

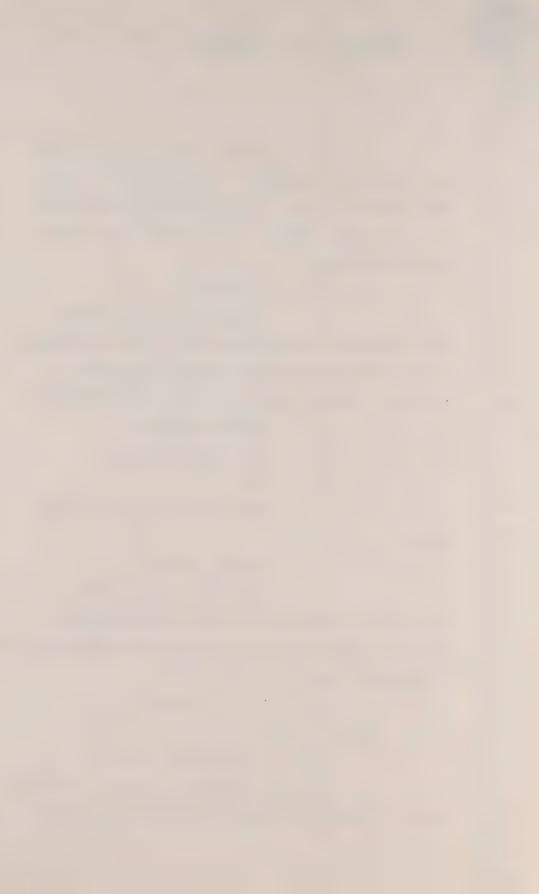
if we look to the indications in the assignment book, it appears that you were assigned three children in Room 418, and one in Room 426?

> That's correct. A.

Is that correct? Q.

Yes, that's right.

And if we look to the entries Q. early in the day, it seems that during the evening



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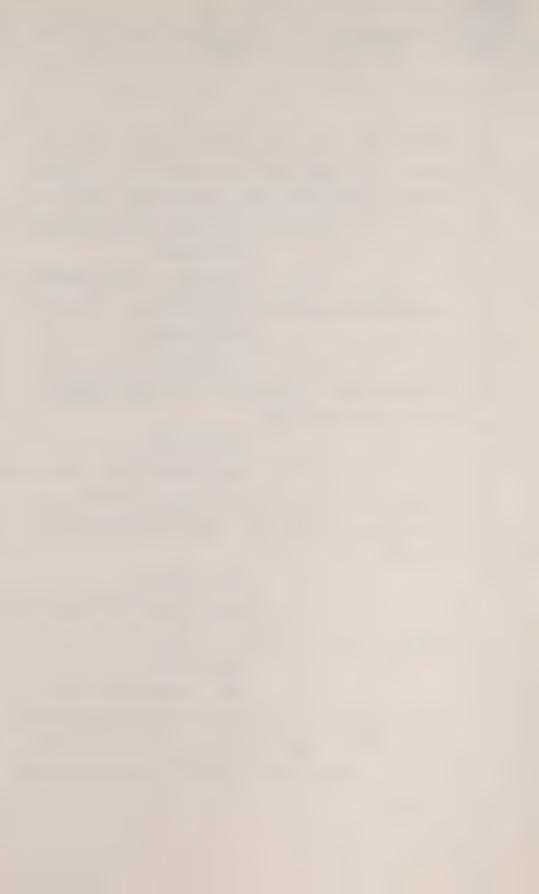
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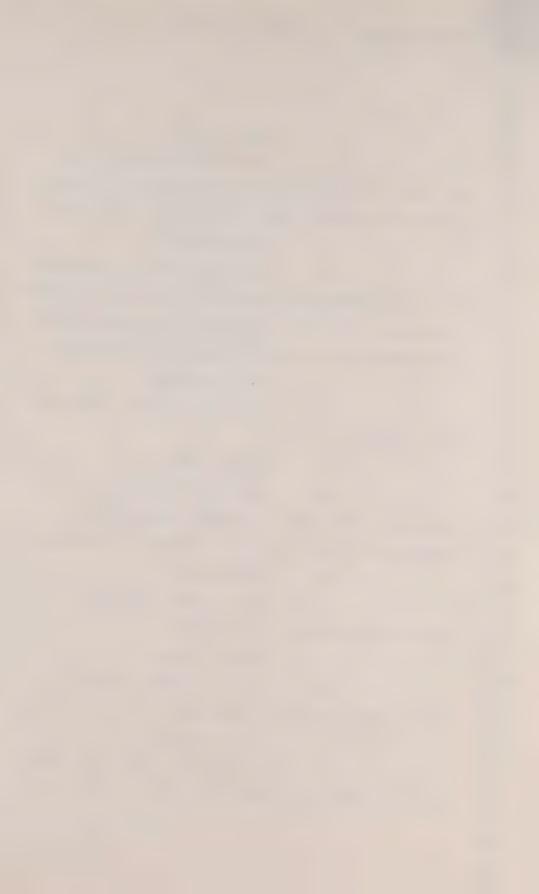
shift from 3 until 11 o'clock at night, Allana Miller was in Room 423 in the care of - I am sorry, until 7 o'clock that night Allana Miller was in the care of Mrs. Fitzgerald, do I have that correctly?

- Α. That's right.
- 0. And she was the only patient recorded during the day as having been in Room 423?
 - Α. That's correct.
- And again you have told us that that was a room used for isolation purposes, it was a one 'bed room?
 - A. That's correct.
- And during the long night shift we see that Miss Nelles was working, that she had one patient in Room 423, I take it that would be Miller?
 - That's correct. Α.
 - That she had two patients in 0.
- Room 418 until 11 o'clock at night?
 - That's right.
- And it appears that after Q. 11 o'clock at night one of her patients was assumed by you, so she ended up from 11 o'clock on having the two patients, one in Room 418 and Allana Miller in 423?



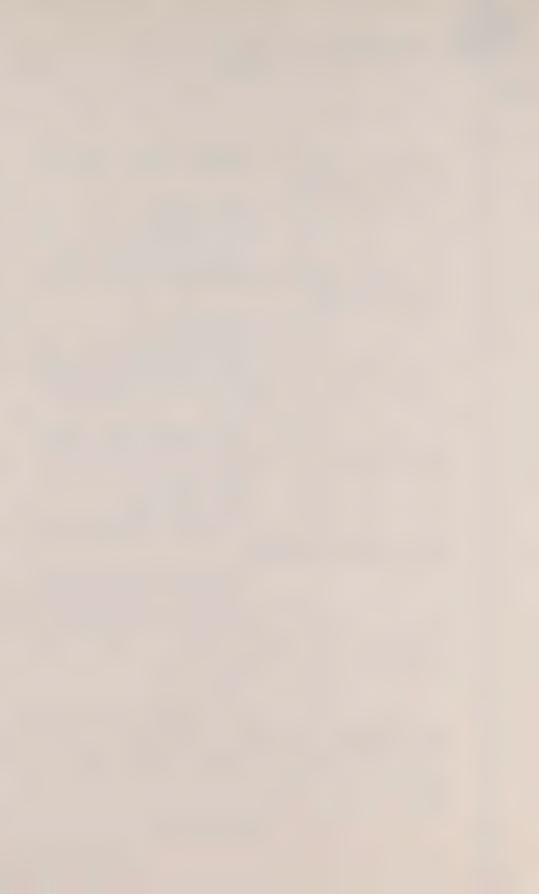
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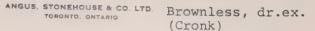
	A.	That's correct.
	Q.	Mrs. Christie was working,
she had three	children	in Room 425, two in 421 and
until 11 o'clo	ck at ni	ght she had one in Room 418?
	Α.	That's correct.
	Q.	And we know that - I am sorry,
we also see that	at Mrs. !	Trayner was the nurse in charge
that night, and	d until	ll o'clock she had two patient
assignments, or	ne in Roo	om 418 and one in Room 426?
	A.	That's correct.
	Q.	And again that was only until
ll at night?		
	A.	That's right.
	Q.	Would I be correct in
suggesting that	t after 1	ll o'clock that night you
assumed one of	Mrs. Chi	ristie's patients in Room 418?
	A.	That's right.
	Q.	Both of Mrs. Trayner's
patients, one of	of whom w	vas in 418?
	Α.	That's right.
	Q.	And one of Miss Nelles'
patients who wa	as also i	n Room 418?
	Α.	That's right.
	Q.	And in the result you had
three children	in 418 a	and one in 426 who had been



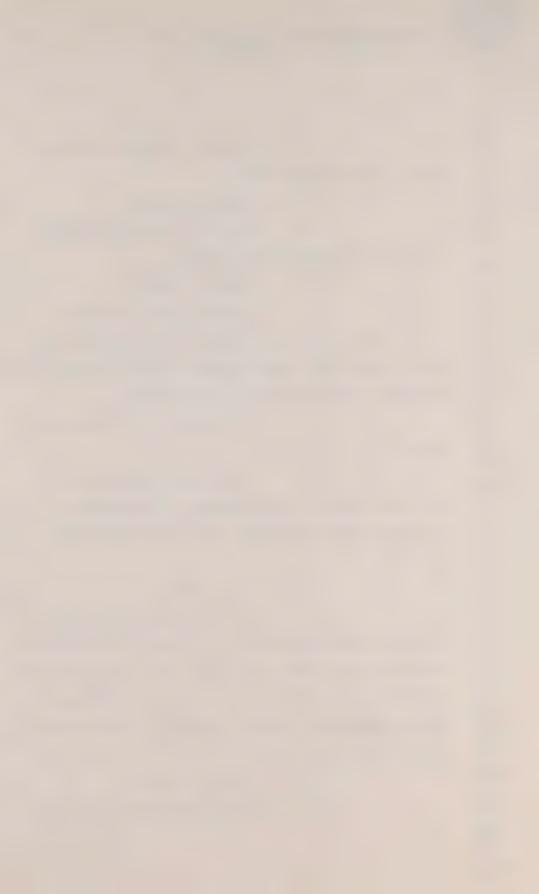
previousl	у са	ared	for	bу	Phyllis	Trayner	until	11
o'clock t	hat	nigh	it?					

- A. That's right.
- Q. Could I ask you to turn if you would to Tab 18 in Exhibit 32A, that is page 8 and 9, Tab 18.
 - A. I have it.
- Q. This is the Ward 4B assignment book for the night of March 20th, Miss Brownless.
 - A. Yes.
- Q. And it appears that Bertha Bell was the nurse in charge, is that correct?
 - A. That's correct.
- Q. She is not recorded as having any patient assignments?
 - A. She has 410 beside her name.
- Q. I am sorry, let me show you the original. On the original copy it is Room 410 and the patient assignment erased?
 - A. Yes, it is.
- Q. And the other nurses on duty that night are Miss Reaper who had three children in Room 433 and one in 411, and an unknown number in 410?
 - A. That's correct.





- Q. And Mrs. Whitingham who had one in 438 and one in 439?
 - A. That's correct.
- Q. And Mrs. Lyons who had five patients in two different rooms?
 - A. That's correct.
- Q. Did you, Miss Brownless, at any point after the events of the weekend of March 20th, 1981, have occasion to make personal notes regarding Justin Cook and Allana Miller?
- A. I'm sorry, did I after what date?
- Q. After the weekend of March the 20th, did you have occasion, did you make personal notes concerning Justin Cook and Allana Miller?
 - A. Yes, I did.
- Q. I am going to show to you the original handwritten copy of a series of notes that are some seven pages in length, and I would ask you to look at the original and tell me if those are notes prepared by you with respect to Justin Cook and Allana Miller?
 - A. That's correct.
 - Q. I will give you a copy and



provide the Commissioner with the original, could they be marked as the next exhibit please.

THE COMMISSIONER: Yes, all right.

Exhibit 379.

---EXHIBIT NO. 379: Handwritten notes prepared by Ms. Janet Brownless.

Q. On my review of the notes,
Miss Brownless, and I would ask you to look at them
with me; the first three pages, they are not numbered,
but if you just count from the beginning, the first
three pages but not the fourth page, and then
continuing on to the fifth, sixth and seventh page
all appear to relate to Justin Cook and the events
concerning that child's stay in the Hospital, do I
have that correctly?

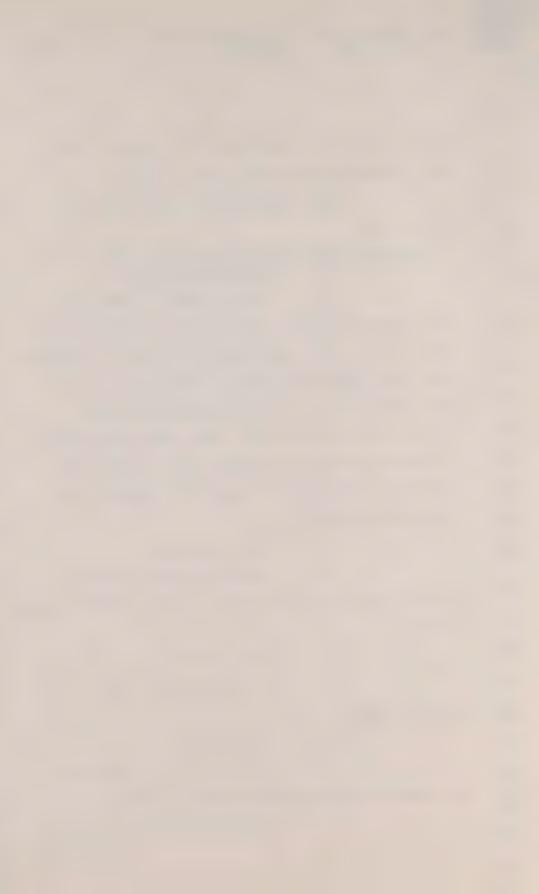
- A. That's correct.
- Q. The fourth page, however, counting again from the front, refers to and is entitled "Miller"
 - A. That's correct.
 - Q. And these notes refer to

Allana Miller?

- A. That's right.
- Q. Can you tell me please when

you made the notes concerning Justin Cook?

A. These notes here?



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	Q.			Yes,	those	pages	of	these
notes	that	refer	to	Justin	Cook.			

- A. A day or so after March the 25th, on the 26th or the 27th, I can't recall exactly which day.
- Q. Can you help me please as to why you made these notes?
- A. I tried to recall what I said to the police. I didn't realize I could get a copy of my statement, and I just wrote it all out.
- Q. Were you interviewed by the police on March 25th, 1981?
 - A. That's correct.
- Q. Are you quite clear in your own mind that these notes were made following that interview with the police on March 25th?

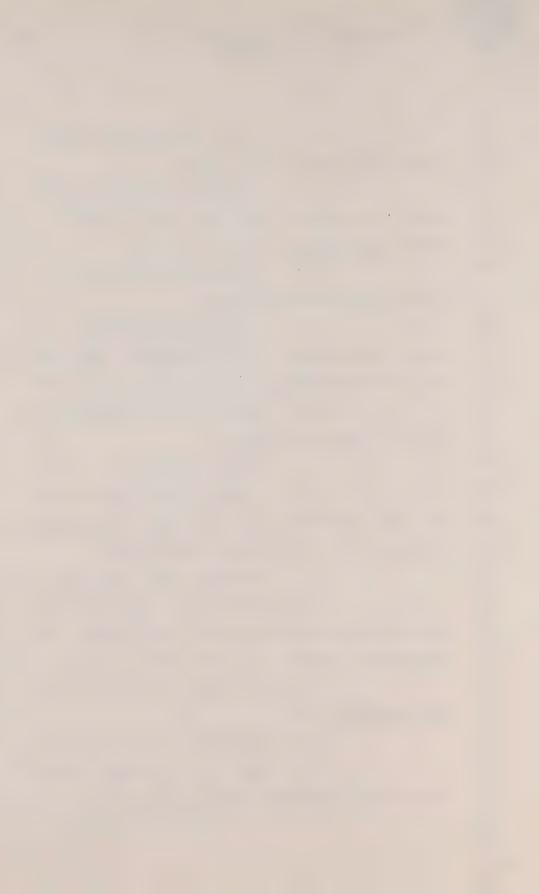
A. Within a day or so, yes.

THE COMMISSIONER: I think we have had evidence that all the nurses were asked to do this by the Hospital, am I not right in that?

MS. CRONK: That was going to be my next question, sir.

THE COMMISSIONER: Oh, I am sorry.

MS. CRONK: Q. Did someone suggest to you, Miss Brownless, that you should make notes



I don't recall, but a possibility,

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yes.

of your recollections of that weekend?

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THE COMMISSIONER: Well that is a reasonable assumption, you wouldn't have made the notes though, would you, without someone asking you to make them?

THE WITNESS: No, I wouldn't.

THE COMMISSIONER: I quess that is only a legal habit of people making notes. You wouldn't ordinarily have done that, would you, that is the world's most leading question.

THE WITNESS: No, I wouldn't have normally have made notes.

MS. CRONK: Q. Do you recall now who suggested that you make notes?

No, I don't.

I note on the very last page of your notes that there is reference to a Bill Carter, 250 University, is that the Mr. Carter who was one of the solicitors representing the Hospital at the time?

That's correct.

Had you seen Mr. Carter before 0. you made these notes?

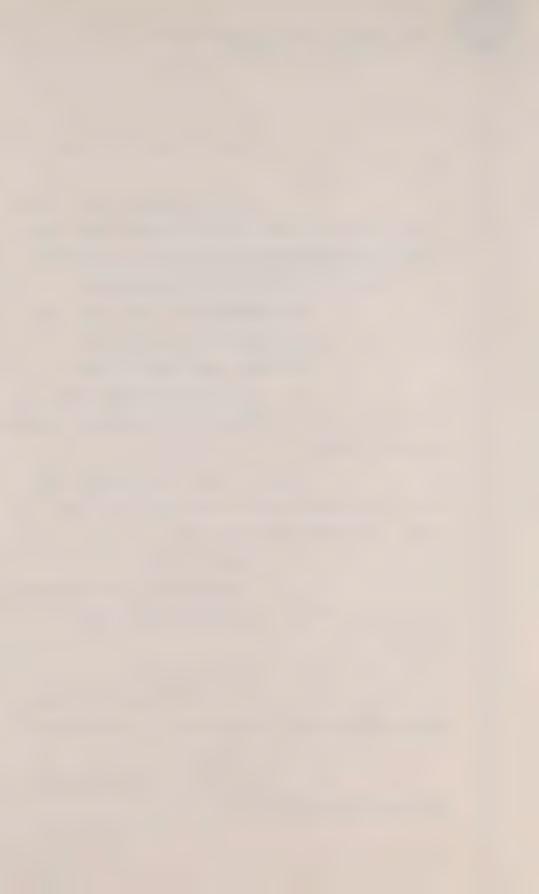


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A. I can't recall if I had, or
not.
Q. If I ask you to turn, if you
would please, to pages 6 and 7 of your notes; that
perhaps is going to be difficult for you without
the original; if I could for a moment, sir.
THE COMMISSIONER: I will give them
back, are they not numbered on the original?
MS. CRONK: No, they are not.
Q. I am sorry, could I just give
your copy to the Commissioner for the moment and show
you the original.
Perhaps we can do it in order. The
first page of your notes is on lined legal sized
paper, the handwriting is in ink.
A. That's correct.
Q. That is true of the second and
the third and the fourth page as well, is that
correct?
A. That's correct.
Q. The fourth page is the only
page in these notes that applies to Allana Miller.
A. That's correct.
Q. When did you make the page

of notes concerning Miller?



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2	A. At the same time.
3	Q. At the same time?
4	A. Yes.
5	Q. Do you recall now why Miller's
6	notes would be in between the rest of your notes
7	concerning Justin Cook?
	A. No, I don't.
8	Q. And then the next page
9	immediately after the notes concerning Allana Miller,
10	what I am calling page 5, appear as well to relate
11	to Justin Cook?
12	A. That's correct.
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- 0. And we again are on lined legal size paper with the handwring in ink?
 - That's correct.
- And then we come to the next page, page 6, and this appears to be a diagram of what I take to be part of Ward 4A and 4B, is that correct?
 - That's correct. A.
- Q. There also is a diagram or a sketch at the bottom, and this is all in pen, that appears to be a room, a patient room?
 - That's right. A.
 - What room is that? 0.
 - 418. Α.
- And there are the initials JC 0. beside a particular box. Is that meant to be the bed where Justin Cook was?
 - That's correct. Α.
 - All right. And what night was Q.

that?

- A. That was the night that he died, the Saturday night.
- Now, all of the notations on this page as I have suggested are done in pen, or at least a coloured pen, but I confess that the handwriting did not appear to me to be yours. Are those in fact

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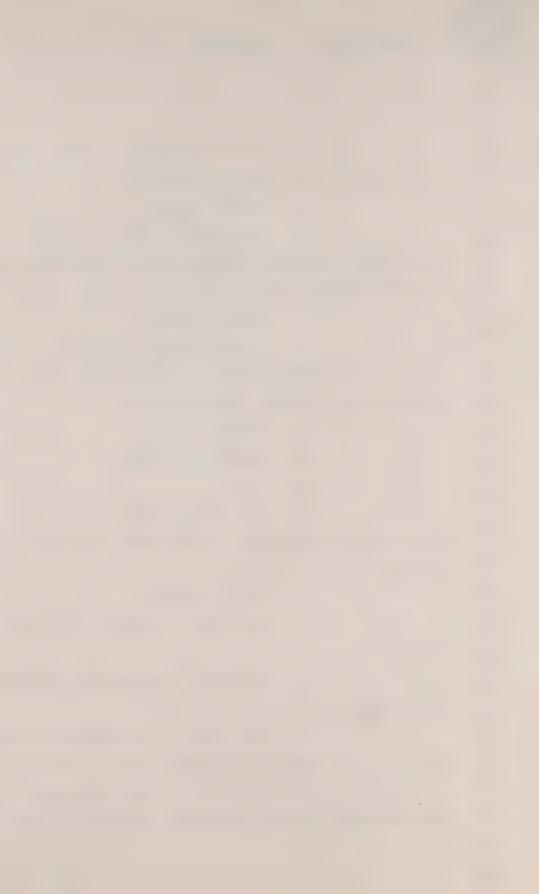
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your notes?

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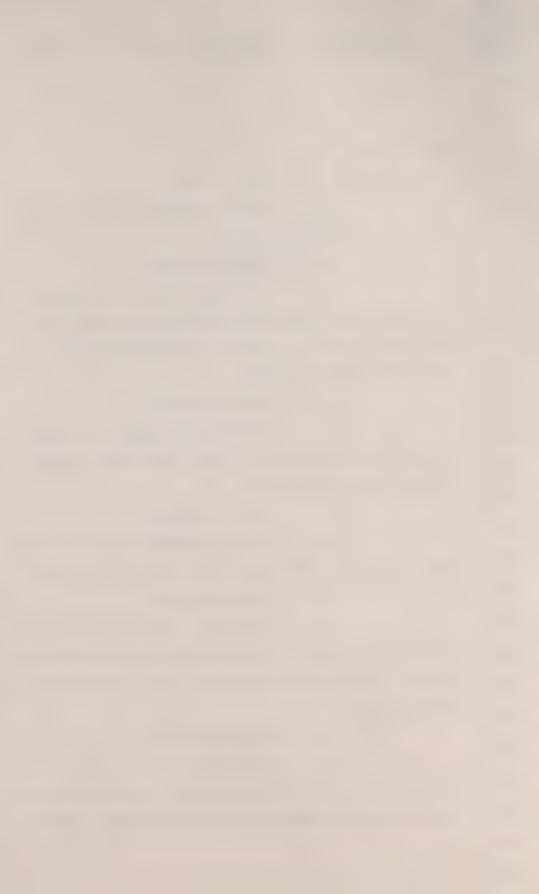
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Α.	Y	es	,	it	was	•
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- 0. It's a different size of paper than the rest of the notes?
 - A. That's correct.
- All right. And if you look to the flip side of the same page, which is page 7 in the bundle, this is a short 8 x 11 piece of paper again in pen but unlined?
 - Α. That's correct.
- So that the diagram or sketch is on one side and these further notes with respect to Cook are on the other?
 - That's correct.
- And they appear well, can you confirm for me whether they are in fact your notes?
 - A. Yes, they are.
- Q. All right. Can you help me if in fact that page with the sketch and those notes were made on the same occasion as the other notes concerning Justin Cook?
 - Yes, they were.
- All right. I don't doubt that 0. and I accept what you have said but it occurred to me that if they had been made at the same time perhaps



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you would have used the same paper?

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A. That's possible, I don't know why I didn't.

Q. Do you recall specifically that they were made at the same time as the other notes?

A. Within the same day, yes. I don't know if I was writing them out continuously.

Q. Is it possible that they were made at an earlier or on a later occasion?

A. You mean a different day?

0. Yes.

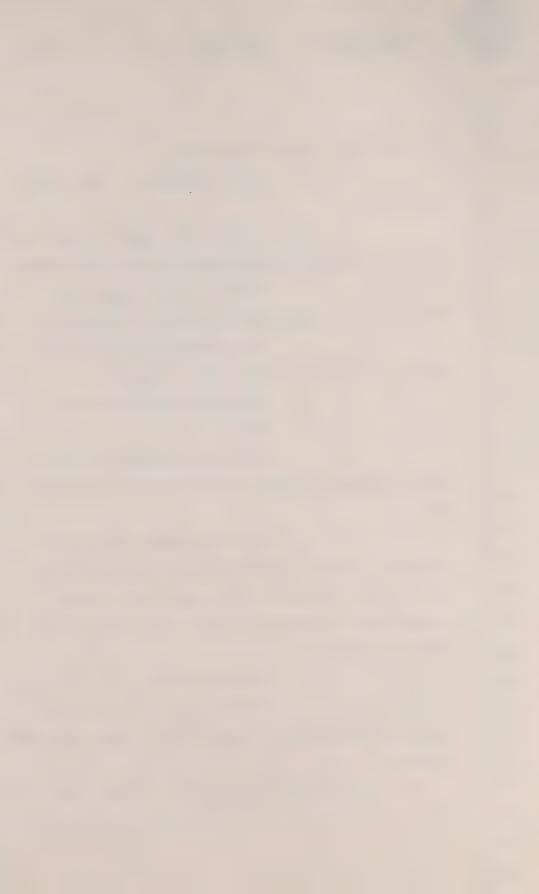
There is a possibility but I don't think so, I think I made them all on the same day.

Q. And in the very last page of the notes, again, legal size paper, lined, and that contains the reference to Mr. Carter and a phone number with a reference to Liz; I take that to be Elizabeth Radojewski?

> Α. That's correct.

Q. Perhaps you could just keep those for a moment. I am sorry, what number was given to this?

THE COMMISSIONER: Exhibit 379.



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MS. CRONK: Thank you.

Q. We have seen, according to the assignment books, that on Friday, March 20th, from the start of the long night shift until 11 o'clock at night you were assigned to a different ward and you have told us that that was Ward 7A?

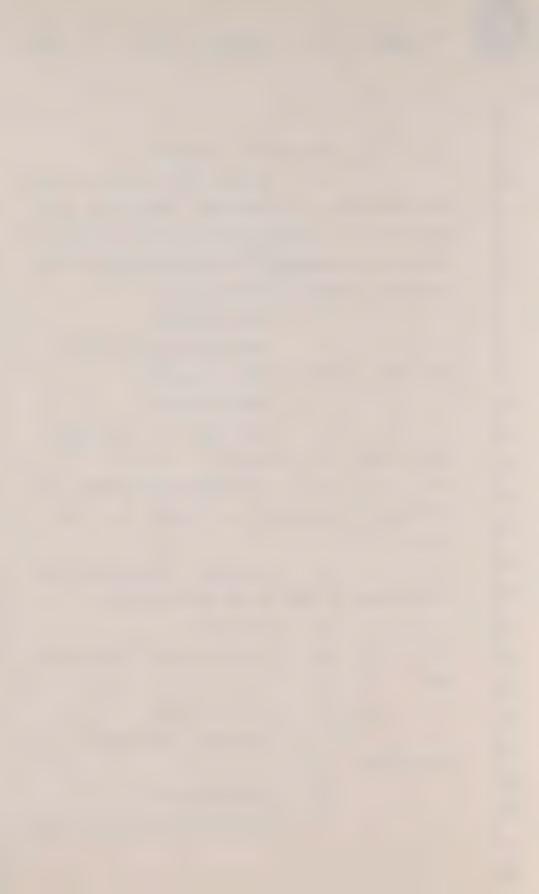
- That's correct.
- When was the first time that night that you were on Ward 4A and 4B?
 - Seven o'clock. A.
- Q. All right. For what purpose were you there at 7 o'clock?
- To see what my assignment was and I found I was going to be leaving, so, I went up to 7A.
- All right. When was the next 0. time you were on Ward 4A and 4B that night?
 - 2200 hours. Α.
 - And why were you there at that Q.

time?

- Α. To have coffee.
- Q. All right. How long were you

on the ward?

- A half an hour. Α.
- Why would you take your coffee 0.



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break on Ward 4A/4B when you had been assigned at that point to another ward?

A. Because I don't know anybody on the other ward, so, I would come down to my own floor to have coffee.

Q. Do you have a specific recollection that you took your coffee break as you have suggested between 10:00 and 10:30 that night?

- A. That's correct.
- 0. Who did you take your coffee break with?
 - I don't recall who was with me. Α.
- 0. Had you known before your coffee break that evening that you were going to be asked to return to Ward 4A/4B at 11 o'clock that night?
 - A. I found out after.
 - 0. How did you learn that?
- Α. A supervisor told me; I don't recall her name.

And what specifically did she tell you, do you recall?

A. She told me that I would be coming back to 4A at 11 o'clock because they were getting an emergency admission and I needed to pick up some patients.



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	Q.	Did	she	tell	you	who	the
mergency	admission	was?					

- A. Justin Cook.
- Q. Where physically on the wards did you take your break between 10:00 and 10:30, where were you?
- A. I was in the back of the nursing station where 4B gets report.
- Q. Is that the area that you have described to us as the patient conference area at the nursing station?
 - A. That's correct.
 - Q. That's at the back where the
 - A. That's correct.
- Q. During the course of that half hour when you were on Ward 4A did anything unusual happen with respect to Room 423 where Allana Miller was?
 - A. When I was on my coffee break?
 - Q. Yes.
 - A. I heard the alarm going off a

few times.

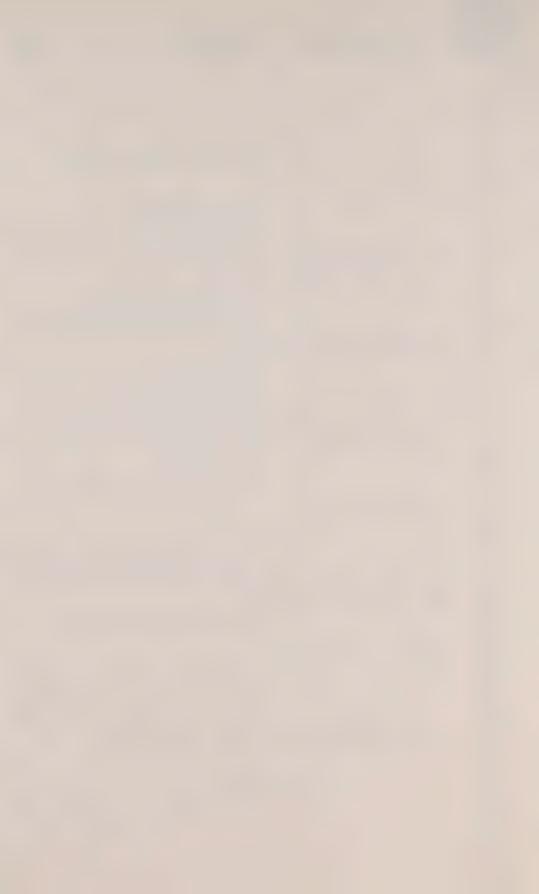
tables are?

- Q. Now, what alarm was that?
- A. Cardiac monitor alarm.



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Q.	And was that Room 423's						
monitor?							
Α.	That's correct.						
Q.	What did you do when you heard						
the monitor go off?							
A.	I didn't do anything.						
Q.	Did you go into Allana Miller's						
room during that ha	lf hour?						
Α.	No, I didn't.						
Q.	Did you see anyone else going						
into Allana Miller's	s room during that half hour?						
Α.	No, I didn't.						
Q.	What did you do at the end of						
your coffee break?							
Α.	I went back up to 7A, signed off						
my charts, made roun	nds with the team leader up there						
and came back downs	tairs.						
Q.	What time was it when you						
returned to Ward 4A	returned to Ward 4A?						
Α.	Approximately 11:15 to 11:20.						
Q.	All right. Again, do you have						
a firm recollection	of that in your mind?						
Α.	Yes.						
Q.	Could I ask you to refer to the						



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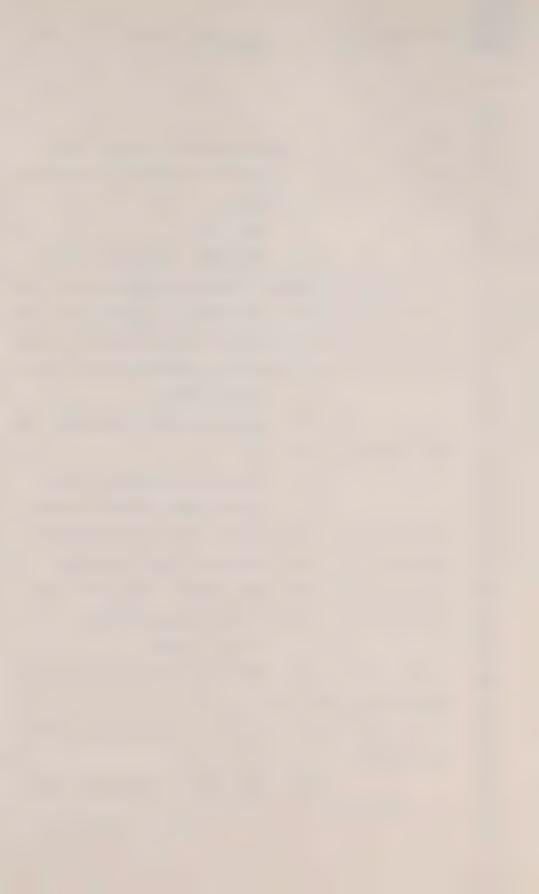
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notes that we have just marked and, again, I am calling it page 4. This is the page with respect to Miller. Do you have that?

- Yes, I do.
- All right. And the third -0. I am sorry, the fourth line down suggests, and I don't suggest for a moment that there is any magic to five minute period of time, but it suggests that you came down at 2310, that would be 10 minutes after 11:00?
 - A. That's correct.
- Q. And would that be the time that you returned to Ward 4A?
 - There's a possibility, yes.
- On the basis of what you have just told me, would it be fair to suggest then that some time, and having regard to what is in your personal notes, some time between 11:10 and 11:20 that night you returned from Ward 7A to 4A?
 - That's correct.
- And what was happening on the ward when you arrived?
- Phyllis was figuring out my A. assignment.
- 0. Was there anything else going on at that time?



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		Α.		I	can't	recall	if	Allana	Miller'
monitor	was	going	off	or	not.				

Q. Well, do you recall seeing Susan Nelles at that time when you returned the ward?

A. No, I don't.

Q. Do you recall seeing any patient being admitted either at the nursing station or in any of the rooms?

> No, I don't. A.

Q. Do you recall testifying at the preliminary hearing involving Susan Nelles, Miss Brownless!

> Yes, I do. Α.

0. I am going to be referring you from time to time to a number of passages in your testimony. Do you have a copy of the transcript?

Right with me now?

0. Yes.

No, I don't. A.

Perhaps your Counsel can give Q.

it to you.

MR. OLAH: Well, mine is marked up.

MS. CRONK: Well, I don't intend to

read a passage to you but I am going to suggest to you, Miss Brownless, and if you wish to see the



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transcript please ask for it, you are free to do so. THE WITNESS: Okav.

MS. CRONK: Q. I am going to suggest to you that in Volume 7 of your evidence at the preliminary hearing at page 1498 you testified that when you arrived on Ward 4A back from 7A that Susan Nelles was in the process of admitting Justin Cook. Do you recall giving that evidence?

> Α. Yes, I do.

Q. Do you specifically recall observing Susan Nelles admitting Justin Cook at that time when you returned to the ward?

> I don't recall seeing that, no. Α.

All right. Well, it is difficult to ask you if you remember the questions when I haven't given you the question.

MR. OLAH: Well, perhaps I can give her the passage.

MS. CRONK: Q. Starting at about the middle of page 1498. Do you have that, Miss Brownless?

> Yes, I do. Α.

"Q. And you spoke to Phyllis 0. Trayner who briefed you about what had gone on on the floor since you



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sta	rted	arc	ound	7:00	or	7:15?
Α.	That	:'s	righ	ıt.		

Q. And you found out when you came back that Susan Nelles had been

assigned to Justin Cook in 418?

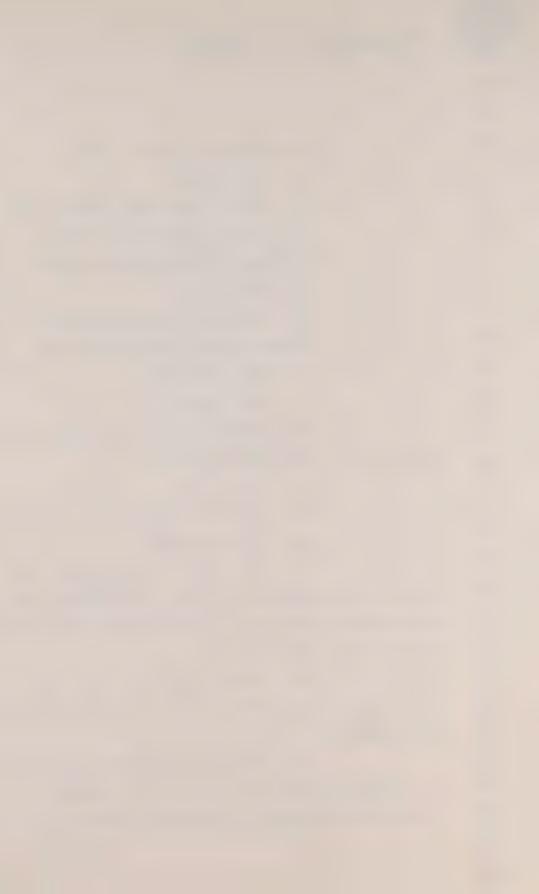
- A. That's right.
- Q. And she was in the process of admitting this baby who had just come into the hospital?
- A. That's right."

Do you recall being asked those questions and giving those answers?

- A. Yes, I do.
- Q. Were they true at the time?
- A. Yes, they were.
- Q. All right. Now, you have told us that you do remember that when you arrived on the ward Phyllis Trayner was figuring out your assignment, do I have that correctly?
 - A. That's right.
 - Q. What did you do when you arrived

on the ward?

A. After my assignment was figured out I collected by Cardexes and I can't remember if I wrote down what was on the Cardexes first or



Phyllis	gave	me	a	report	on	the	children	first
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- Q. All right. And when you say you looked at your Cardexes and wrote down what was on the cards, were you writing information down on what you described earlier as your cheat sheet or were you writing on something else?
- $\hbox{A.} \qquad \hbox{What I referred to earlier as}$ $\hbox{my cheat sheet.}$
- Q. All right. And you said that Phyllis Trayner also gave you a report and from your evidence at the preliminary hearing that had to do with what had transpired on the ward from 7:15 until you arrived back on the ward, is that correct?
 - A. That's correct.
- Q. Where were you when you took report from Phyllis Trayner?
- A. At the back of the nursing station in one of the little cubbyholes, as you would call it, there is a little area to sit in.
- Q. And where were you when you were making your notes from the Cardex cards?
 - A. At the same place.
- Q. And that's at the back of the nursing station again in the patient conference area?





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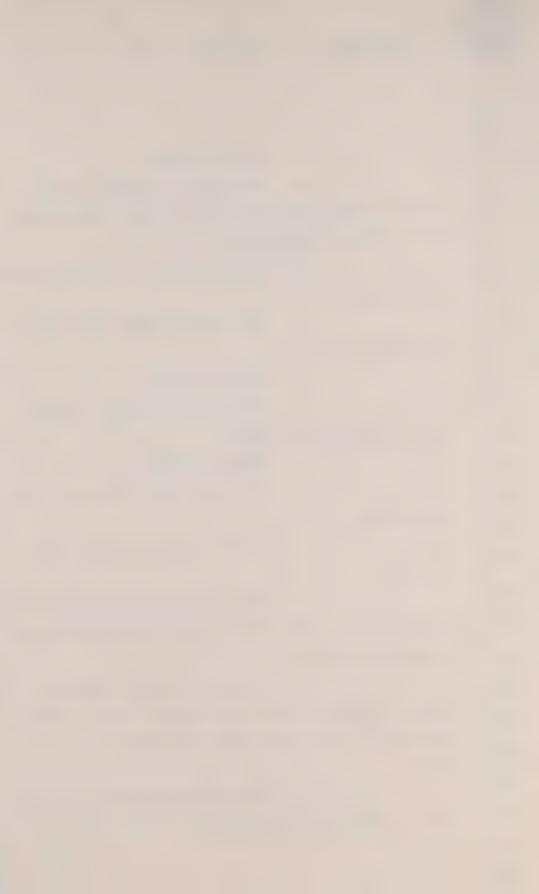
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- That's correct.
- Q. Was Phyllis Trayner at the nursing station with you while you were making your notes from the Cardex cards?
- A. I can't recall if she was there at all times.
- Q. She was certainly there while she gave you report?
 - That's correct. A.
- And you don't recall you have told us what you did first?
 - A. That's correct.
- Q. Was anyone else there that you

can recall?

- I can't recall if anyone else A. was there.
- Q. While you were making your notes in the patient conference area were you sitting down at one of the tables?
- A. Not one of the back tables, there are two areas that come out that are like desk tops that seat two people and I was sitting at one of those.
- Q. Which direction were you facing when you were making your notes?



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I would be facing to the back of the nursing station with my back to the hallway.

Q. All right. When did you finish your report with Phyllis Trayner and finish making your notes?

Approximately 12:00.

What makes you think it was

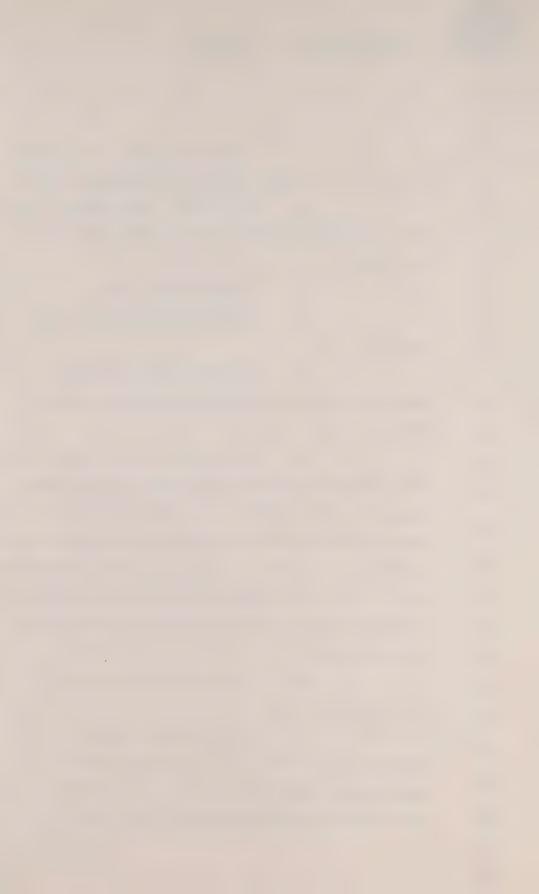
midnight?

A. Because I would have gone to check my children and do my vital signs in my two rooms.

Q. All right. We know that you had a number of patients that night and there were patients in 418 assigned to you and a patient in Room 426 assigned to you. Do you specifically recall now the time at which you got up and left the nursing station or are you reconstructing it on the basis of estimating the time it would take you to do report and to make your notes from the Cardex cards?

A. I am reconstructing and estimating the time.

Q. Do you have a specific recollection of having left the nursing station at approximately midnight to do your vital signs on the children who were assigned to your care?





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Α. No, I don't.

Do you know when you got up to 0.

Α. No, I don't.

0 . What's the minimum amount of time that it would have taken you to both receive report from Phyllis Trayner and make your notes on the Cardex cards for the, I believe it was the four children in your care? What's the minimum amount of time in which you could have done that?

Α. Twenty minutes to a half an hour.

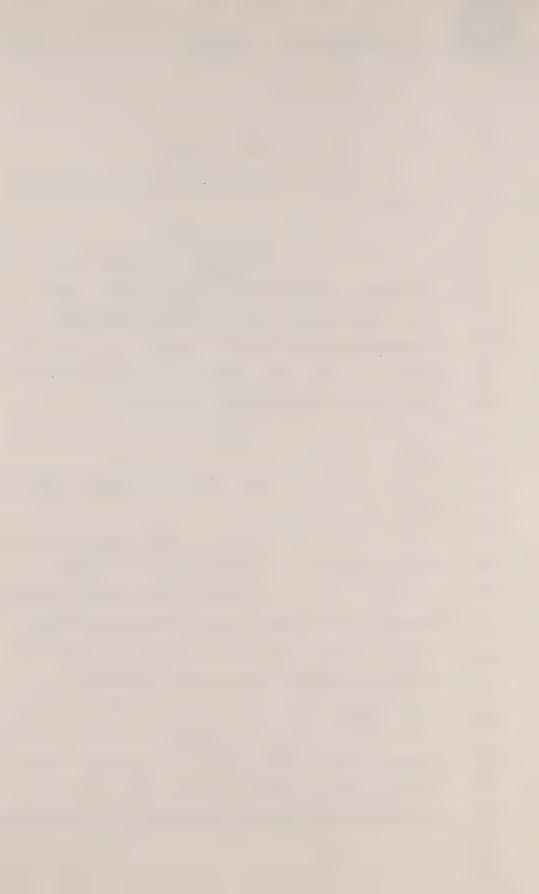
> 0. And what's the maximum amount of

Well, it really depends how many Α. children you have, it could be up to 45 minutes.

Well, we know how many children 0. you had, you had three in Room 418 and one in Room 426, you had four in total. What's the maximum time, bearing in mind that you had four patients?

Approximately a half hour.

All right. So, if you arrived somewhere between 11:10 and 11:20 on the ward and it took the minimum time to complete those activities, you have told us that was 20 minutes to a half an hour;



do I have that correctly?

- A. That's correct.
- Q. That could mean that you were finished those duties at 20 to 12:00 or at 10 to 12:00, is that correct?
 - A. That's correct.
- Q. And if it took you the maximum amount of time to do it and you arrived again between 11:10 and 11:20 you have said the maximum time again is 20 minutes?
 - A. 45 minutes.
- Q. 45 minutes, right. I am not sure my arithmatic is all that good but if it took you 45 minutes and you arrived at 11:20 that would be about 5 after midnight, would it not?
 - A. That's correct.
- Q. All right. At any time while you were at the nursing station doing both of those activities, taking report and making your notes at the back of the nursing station, did you see Susan Nelles at the nursing station, as best as you can now recall it?
- A. No, I can't recall who I saw at the nursing station.

THE COMMISSIONER: I am sorry, did you



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ask whether she had seen Susan Nelles?

MS. CRONK: That's right.

THE COMMISSIONER: And I think you answered you didn't see Phyllis Trayner or did I get that wrong

THE WITNESS: I said I didn't recall

THE COMMISSIONER: Oh, all right.

MS. CRONK: Q. But we know Phyllis

Trayner was there because she gave you report?

A. That's correct, at the time she gave me report she was there.

Q. All right. And she may have been there as well when you were taking your notes from the Cardex cards but you can't remember?

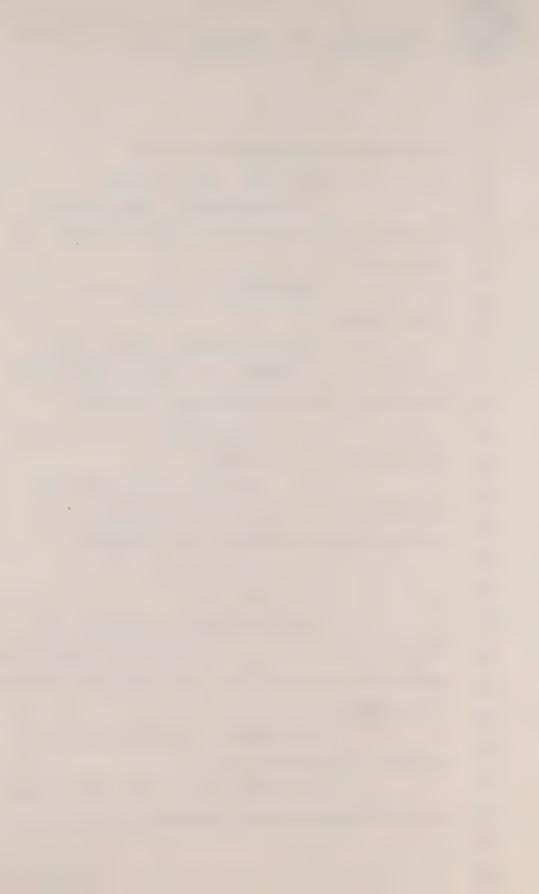
A. That's correct.

Q. All right.

THE COMMISSIONER: But what's this about -- I am sorry, I must have the wrong time because earlier did you not say that Susan Nelles was admitting Justin Cook?

THE WITNESS: I presumed she was admitting Justin Cook, yes.

THE COMMISSIONER: Well, you are just presuming that, you didn't see her?



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THE WITNESS: I didn't see her.

MS. CRONK: Q. Where is a child

admitted, Ms. Brownless?

assigned to

In the room that they are

0. All right. And she would then have been in room - if she was admitting the child at that time as you have suggested she would have been in Room 423 with Allana Miller - I am sorry, she would

> A . That's correct.

have been in Room 418 with Justin Cook?

- She would not have been at the nursing station?
 - That's correct.
- All right. And you told me earlier that you don't recall seeing her at the nursing station when you arrived at the ward, you don't recall seeing her at all when you arrived at the ward and my question to you now was, during that maximum 45 minute period of time that you have described to us that you were taking report and making your reports, do you recall seeing Susan Nelles?
 - No, I don't. Α.
- All right, at the nursing station 0. or anywhere else?



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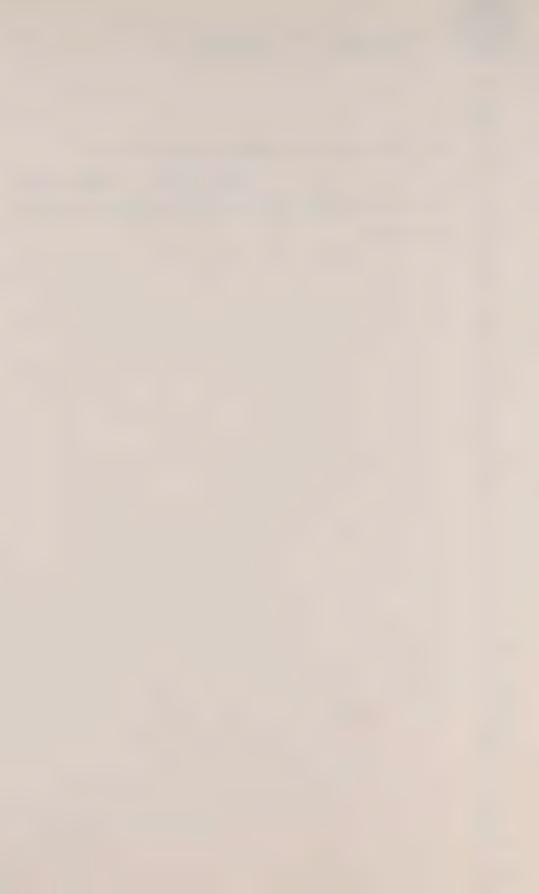
- Did you see anyone while you were at the nursing station doing those activities, did you see anyone wheeling a baby in a bed down the corridor towards 4B?
 - A. No, I didn't.
 - Q. Did you hear anyone?
 - A. No, I didn't.
- 2. All right. Given where you were sitting at the back of the nursing station and given that you have told us that your back was to the rest of the floor, is it possible that someone could have passed you at the nursing station wheeling a bed with a child in it without you either having seen it or heard it?
- A. I possibly could have heard it but I might not have turned around.
- Q. Well, do you recall hearing anything that night that suggested that kind of activity during that 45 minute period of time?
 - A. I don't recall hearing it, no.
- Q. It has been suggested here that Justin Cook following his admission on Friday, March 20th was taken the echo lab in the Hospital for Sick Children. Do you know from observations that you made



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when Justin Cook was taken to the echo lab?

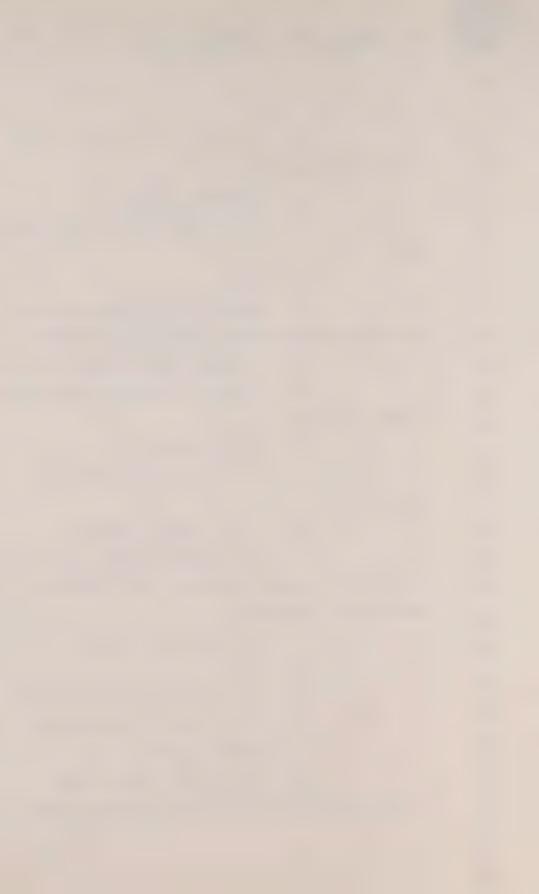
A. I don't recall. I wasn't even aware that he went for an echo that night until the other day.





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	II.					
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K DM/PS	2	Ć	j. 1	When did you learn that he was		
1	3	taken to the echo lab?				
	4	1	A. 1	When you told me.		
0	5	(). I	During the course of our inter-		
		view?				
	6	2	A	Yes.		
1	7	. (j. 1	What did you do when you left		
	8	the nursing stat	cion h	aving completed your notes?		
	9	1	A. :	I either went to Room 418 or 426		
	10	. (). !	That was to do the vital signs		
	11	on your children?				
	12	Z	A	That's correct.		
	The state of the s	Ć). I	Did you actually start your		
	13	vital signs?				
	14	I	١. :	I can't recall exactly.		
	15	Ć). I	oid anything unusual occur while		
	16	you were in 418	or 426	o looking at your patients,		
	17	observing your p	atient	cs?		
1	18	P	7. 2	You mean on the floor?		
		C)	œs.		
	19	A		The alarm was going off in 423.		
1	20	C). Z	Again, Allana Miller's room?		
	21	A		That's correct.		
1	22	C) .	and we know that you were		
	23	at the nursing s	tation	making your notes and taking		
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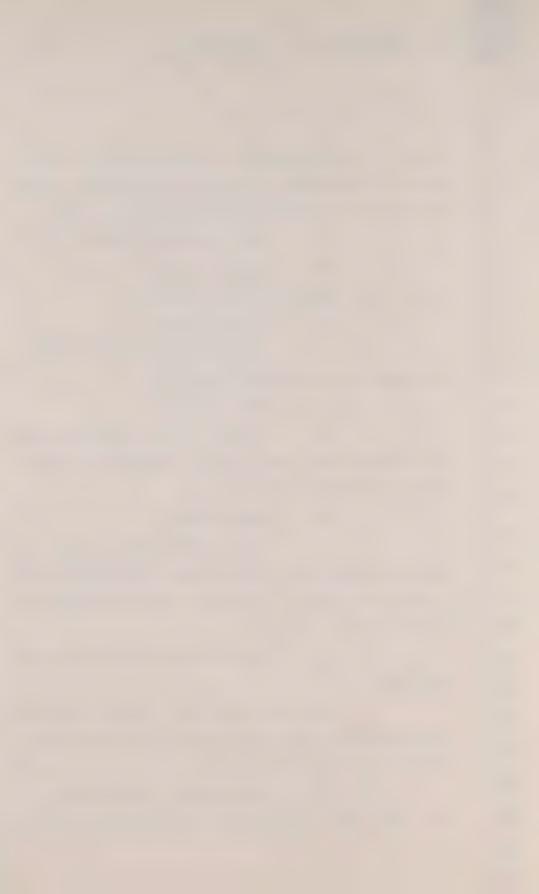
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report; we know that you had three patients in 418 which is immediately adjacent to the nursing station; we know that you had one patient as well in 426.

- A. Yes, at the very end of the hall.
- Ω . At the very end of the hall towards the elevator, is that correct?
 - A. That's correct.
- Q. And Allana Miller was in Room 423 immediately adjacent to Room 426.
 - A. That's correct.
- O. So that to get to Room 426 where your patient was, from Room 418 or into the nursing station you had to pass Room 423.
 - A. That's right.
- O. Do you recall when you left the nursing station, and when you were on the way to 426 to see the patient in that room, observing anyone in Allana Miller's room?
- A. I can't recall seeing anyone in the room.
- Q. Do you have a specific recollection of having gone into 418 where your two patients were at that time after you left the nursing station?
- A. I can't recall which room I went into first, but I think I did go into 418 first.



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		Ö.	1	When	you	were	in	418	do	you
recall	whether	or	not	Susa	n Ne	elles	was	the	ere	?

A. I can't recall.

O. Do you recall whether or not Justin Cook was there?

A. I can't recall.

Q. Was there a bed there in the position where Justin Cook's bed was?

A. I can't say for sure.

Q. What did you do when you heard the alarm go off in Room 423?

A. On one occasion I went down to the room. I can't remember if it was on when I was en route to Room 426 or coming back. I went into the room to answer the alarm but I can't recall what time it was.

Ω. You have told me you don't recall whether Susan Nelles was in 418, or whether Justin Cook was there, or indeed whether his bed was there, do I have that correctly?

A. That's correct.

On Do you in fact remember seeing Susan Nelles at that point within 15 minutes of having gotten up from the nursing station?

A. I don't remember seeing her.



			Ö.	Do	you reca	all	being	interv	riewed,	F
I a	m sure	you	do,	you ha	ve ment:	ione	ed it e	earlier	, by	
che	Metro	polit	an	Toronto	Police	on	March	25th,	1981?	

A. That's correct.

Ω. And as well on April 7th, 1981 with respect to the events concerning Allana Miller's death?

A. That's correct.

O. Do you recall telling the officers who interviewed you that you thought it was about midnight when you left the nursing station to go to your patients' rooms?

A. Yes.

O. Do you recall telling them as well at that time that Justin Cook was still being admitted?

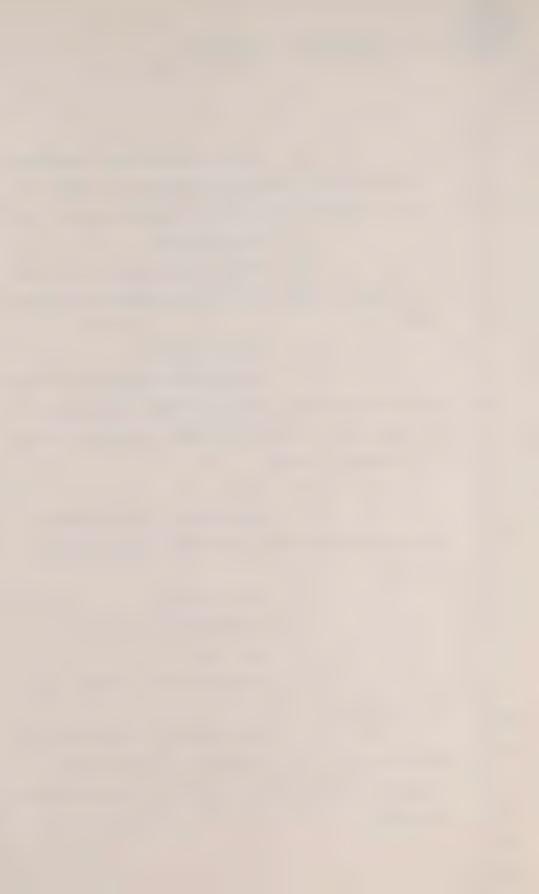
A. That's correct.

Q. Do you remember saying that?

A. Yes, I do.

O. Do you remember in fact whether he was or he was not?

A. I presume when I was coming back downstairs to pick up patients on 4A and Sue was assigned to admit Justin Cook, that she was admitting the child.



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I'm sorry, we are talking now 0. about the period when you left the nursing station having completed making your notes and having completed receiving report from Phyllis Trayner, you told us that you went into Room 418 and 426 and you can't remember which.

> Α. Okay.

And you think it was likely 418. My question to you now is, in light of what you reported as having told the police, do you in fact remember whether or not Justin Cook was still being admitted at that time by Susan Nelles?

> I can't say for sure. A.

I would like to refer you to your evidence at the preliminary hearing again, Volume 7, and could I ask you to look at page 1499.

> I have it. Α.

I'm sorry, perhaps I can start 0. at the bottom of page 1498.

> A. Okay.

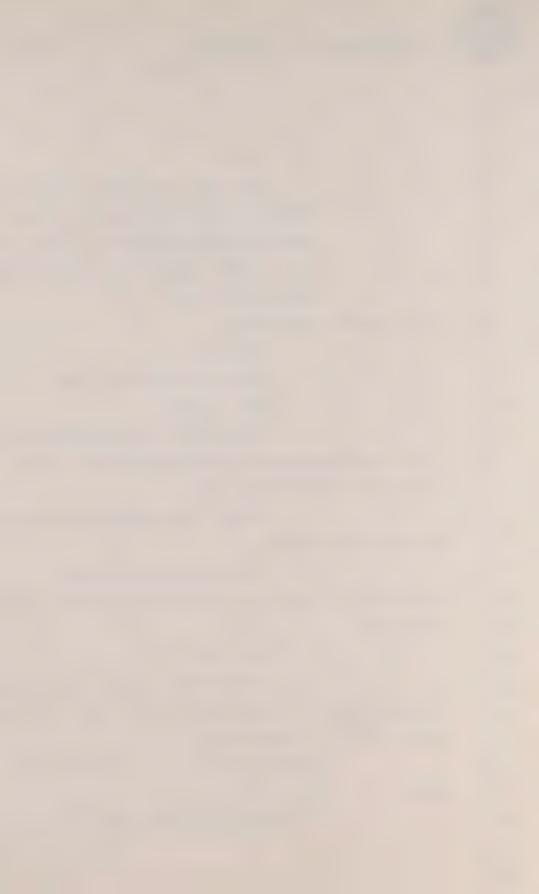
You were asked: 0.

You checked your children at midnight, didn't you check vital signs of the children that you had on 418 and 426?



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1 Α. Yes. 3 All right. At that time at midnight Justin Cook was still being 4 admitted by Susan Nelles, is that right? 5 A. I don't remember how long it took her to admit him." Do you recall saying that? 8 Yes, I do. A. 9 Was that true at the time? Α. Yes, it was. 10 O. Do you today, Ms. Brownless, have 11 a clear recollection of how long it took for Justin 12 Cook to be admitted that night? 13 A. I don't know how long it took her 14 to admit Justin Cook. 15 O. Do you have today a clear 16 recollection of when you first saw Susan Nelles personally that night? 17 A. No, I don't. 18 Perhaps there is one other matter 19 I should draw to your attention on this issue as well, 20 that is page 4 of your notes. 21 THE COMMISSIONER: Is this the Miller 22 page? MS. CRONK: I'm sorry, page 4. 23



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THE COMMISSIONER: We don't have any numbers on these.

MS. CRONK: Perhaps we could do that right now, sir. Could we just number them consecutively starting at the beginning.

THE COMMISSIONER: All right.

Could I ask you to look again, Ms. Brownless, at page 4, please.

THE COMMISSIONER: Just for everybody's information I have numbered the last page 7 which means the back of page 6 is not numbered at all. This is just to confuse everybody. I'm not going to start numbering one page and not numbering any of the others. That was one of those major problems and that is the way I solved it.

MS. CRONK: Thank you, sir.

Do you have page 4, Ms. 0.

Brownless?

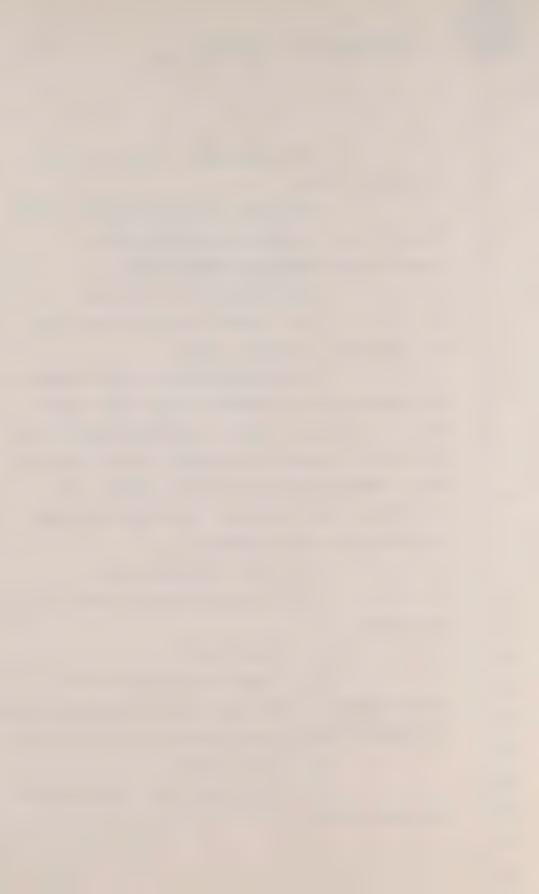
Yes, I do. Α.

There is reference in your 0. personal notes, is there not, to Susan admitting Justin, two-thirds of the way down on your notes on that page.

> Α. Yes, I see it.

Does that refer to Susan Nelles 0.

and Justin Cook?



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Yes, it does. Α.

There is no mention of any time 0. there in your notes, is there?

> No, there is not. A.

There is however mention immediately 0. above that of another episode involving Dr. Soulioti and Mike, is that Mike Schaffer?

> A. That's correct.

We will discuss that in a few moments. When you made these notes concerning Miller, were you making them in order of the time when the events occurred, as best you could, or do you now recall?

I don't recall making them in A. order, I think I wrote them down as different events happened.

O. Were you simply trying to list everything that you could remember from that night?

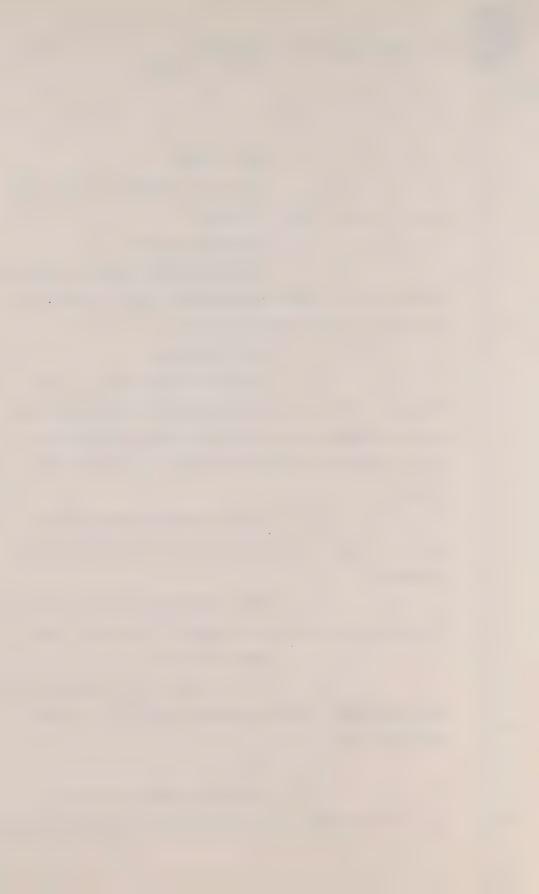
> That's correct. Α.

Now you have told us that you did hear the alarm around midnight going off in Allana Miller's room.

> Yes. Α.

I may have asked you this, and if so I apologize. What did you do when you heard

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the alarm going off?

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A. I went into the room on one occasion that I can remember, to check why the alarm was going off. I checked the alarm, listened to the child's apex, not for a full minute, just briefly to see if her heart was still beating, it was, and I can't recall if Phyllis was either in the room or coming in right behind me.

O. Can I stop you there for a moment You have told us around midnight, as best you can recall it, although it may be a little after midnight or a little before it you left the nursing station and went to 418 and 426, but you don't know which one first.

> That's right. Α.

And that is when you heard the alarm going off in Allana Miller's room?

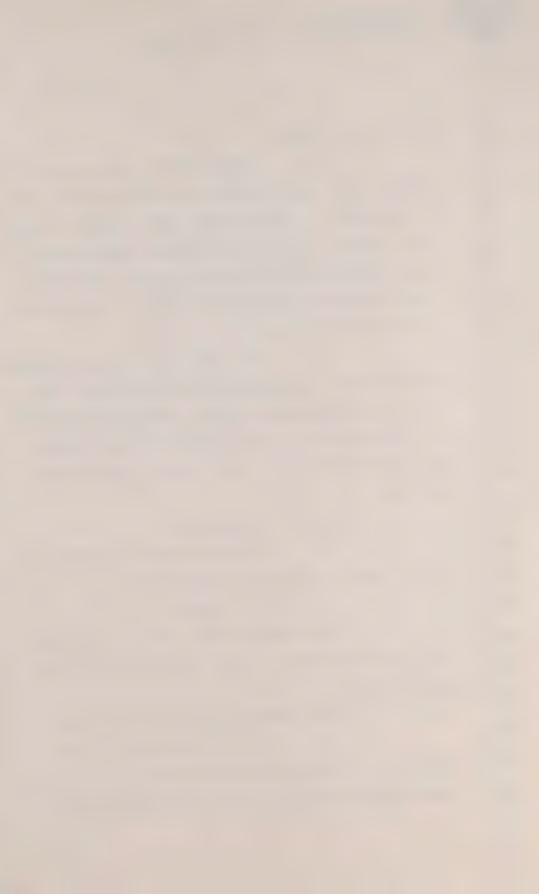
> That's right. Α.

THE COMMISSIONER: This is the alarm, one of the monitoring alarms, is it, it is not the buzzer.

THE WITNESS: No, the cardiac alarm.

O. And when you heard, on that occasion, the cardiac monitor go off in Allana Miller's room, did you then go into Allana Miller's room?

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Α. As best-to my recollection, yes.

0. You have told me, I think, that you can't remember whether Phyllis Trayner was right behind you, or was with you, or was there in the room when you went in, is that right?

> Α. That is correct.

0. Do you today sitting here have any recollection as to whether or not Mrs. Trayner was in Room 423 when you went into that room?

> Α. I can't recall.

O. Once again I would like to refer you to your evidence at the preliminary hearing, Volume 7, page 1499, the same page that we are on. Do you have that?

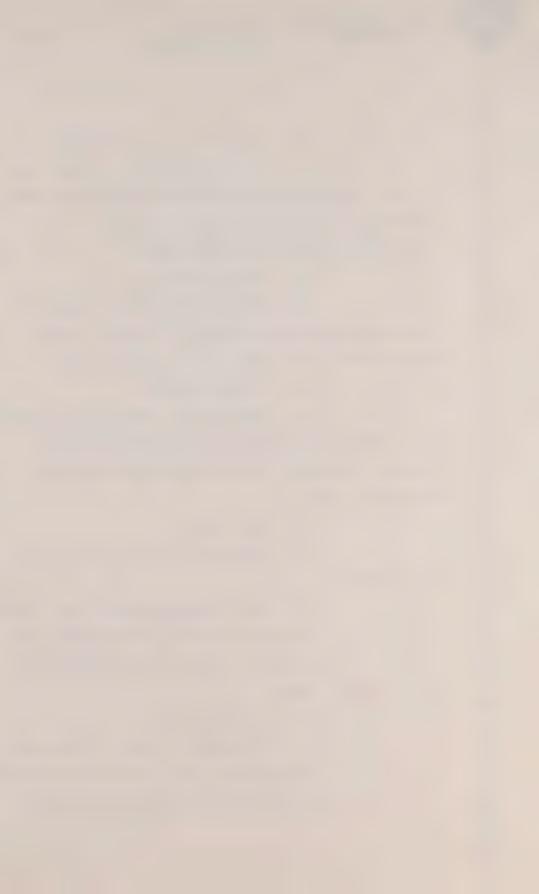
Yes, I do.

0. Starting at about line 18, and

And I am suggesting to you, when "0. you went in there after midnight two or three times, Susan Nelles was not there?

A. I couldn't say.

You couldn't say? At one point when you went into Room 423 to respond to this monitor Phyllis Trayner was



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behind you?

- A. That's right.
- Q. Well, didn't Phyllis Trayner on that occasion check the monitor?
- A. That's right. "

Do you recall being asked those questions and giving those answers?

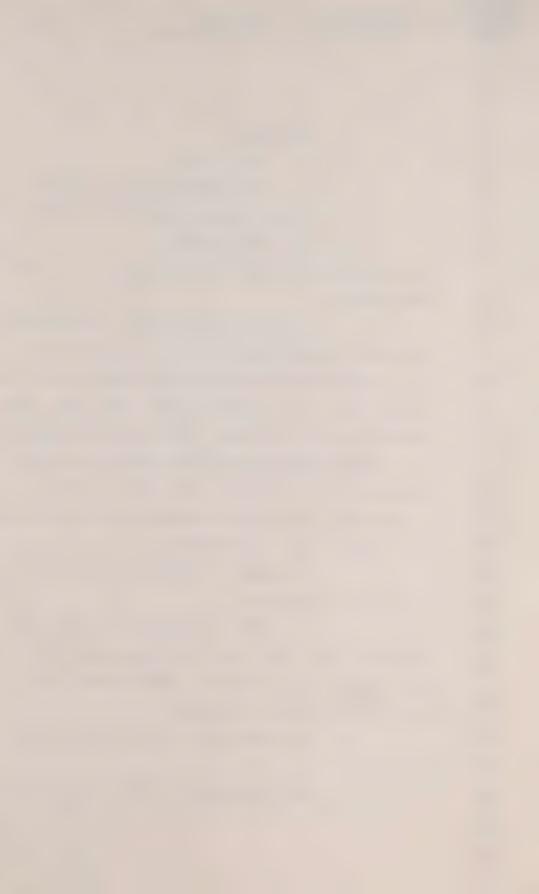
MR. ROLAND: To be fair to the witness, I shouldn't stand up because I am not counsel, but that is in reference to the earlier question when she said she went in two or three times. Now, this, that suggestion put by Mr. Cooper may not be the occasion we are talking about because the witness has already said it is two or three times she went in Allana Miller's room. Ms. Cronk is identifying one particular time I gather first in the series.

MS. CRONK: I understand that, sir, and there is a difficulty --

MR. ROLAND: But you are leaving the impression, Ms. Cronk, with this witness there is some inconsistency here and it doesn't seem to me there is from reading that page.

MS. CRONK: Well, sir, I haven't left the area yet.

THE COMMISSIONER: No.



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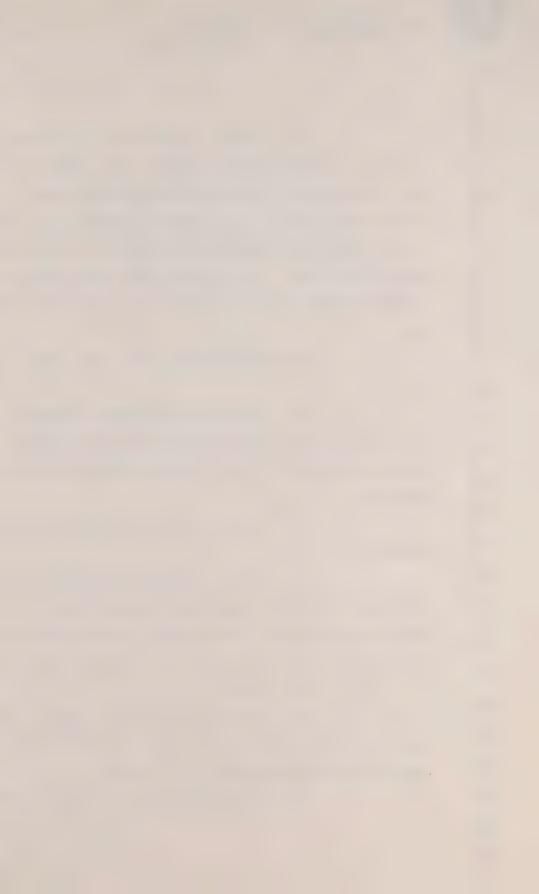
MS. CRONK: And there is a difficulty, which will become apparent that may very easily be explained between some of the evidence that the witness has given at the preliminary hearing and some of the information that she has provided to the police and provided here. If Mr. Roland will bear with me perhaps and perhaps not, we can get to the bottom of this.

THE COMMISSIONER: Yes, all right, carry on.

- Bearing in mind what exchange 0: has just occurred, do you recall being asked those questions and giving those answers at the preliminary hearing?
- A. Yes, I recall the questions and answers.
- And do you recall as well being 0. interviewed by the Metropolitan Toronto Police on March 25th and April 7th in respect to Allana Miller, and we have talked about that interview already.

Α. Yes.

- Do you recall being asked by the 0. police at that time concerning when - the occasions when you went into Allana Miller's room.
 - A. I'm sorry, would you repeat that



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O. Do you recall it coming up in the course of that meeting, the occasions when you went into Allana Miller's room?

A. Yes, I remember it coming up.

Q. Do you recall telling the police at that time when you went into Allana Miller's room, at around midnight, when you heard the alarm going off that Phyllis Trayner was either behind you or already there?

- A. That's correct.
- O. Do you recall saying that?
- A. Yes, I do.
- O. And that is what you said here a few moments ago.
 - A. That's correct.
- Ω . I would ask you to take a look at your personal notes with respect to Miller; and you will see about the 9th or 10th line down the reference:

"Phyllis always right behind me."
Do you see that?

- A. Yes, I do.
- O. My question to you in light of those various statements in your notes, Ms. Brownless,



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is simply this: when you went into Allana Miller's room shortly after midnight, having heard her alarm go off, do you now recall where Phyllis Trayner was?

- A. No, I don't.
- Ω . Do you now recall whether she was also in the room at that time?
 - A. I can't say for sure.
- Ω . What is your best recollection as to who was in the room?
- A. Phyllis was in there but I can't say if she got there before or after me.
 - Q. Do you recall anyone else being
 - A. I don't recall.
 - Q. What did you do when you entered

the room?

there?

- A. Like I said before, I checked the child's apex, not for a full minute, just briefly, and everything was fine, and I left the room after that.
- . How long would you say you were in the room?
 - A. Not even a minute.
- O. What did Phyllis Trayner do while she was in the room?



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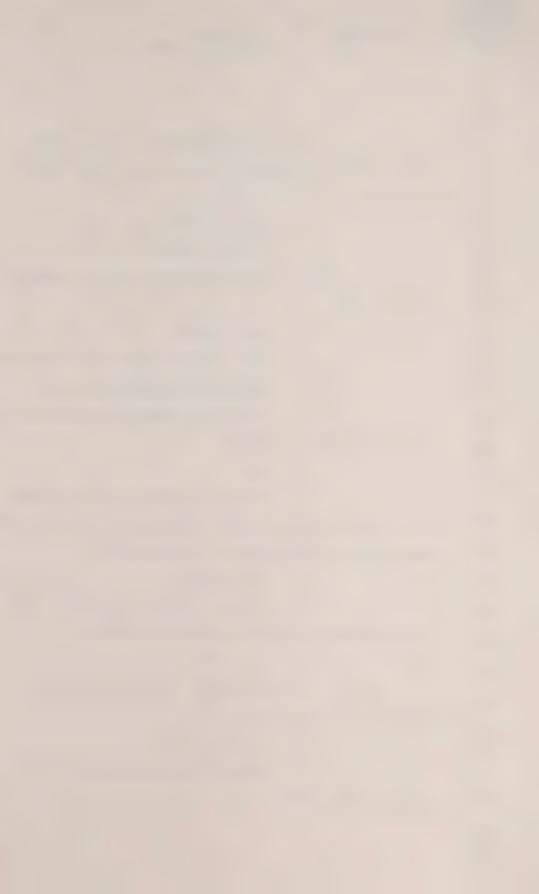
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	Α.	She	checked	the	sti	rip	on	the
ardiac monit	or,	observed	Allana,	and	I	car	ı't	recal
nat else.								

- 0. Who left the room first?
- A. I can't recall.
- Do you know when Phyllis Trayner 0. left the room?
 - No, I don't. Α.
 - 0. Is it possible she left with you?
 - Α. There is a possibility, yes.
- Is it also possible she was still 0. in the room when you left?
 - A. Yes.
- At any time when you were there with Phyllis Trayner on this occasion, did you see her administer any medication to Allana Miller?
 - A. No, I didn't.
- Do you have any recollection at all as to when you next saw Phyllis Trayner?
 - No, I don't.
- Did anyone else come into the room when you were there?
 - I don't recall.
- O. Did you see Bertha Bell in the room at that time?



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0. Did you notice when you were in the room if there was a sticker attached to Allana Miller's buretrol?

A. I don't recall looking at her

. O. I take it you don't remember whether the I.V. was running or not.

> A. That's correct.

0. What was Allana Miller's condition

when you left the room that time?

I don't recall, I wasn't concerned, Α. otherwise I wouldn't have left the room.

O. She didn't appear to be in grave condition then at that time?

A. I remember she was pale and lethargic, but I don't recall anything else.

 Ω . I take it there was no arrest call at that point.

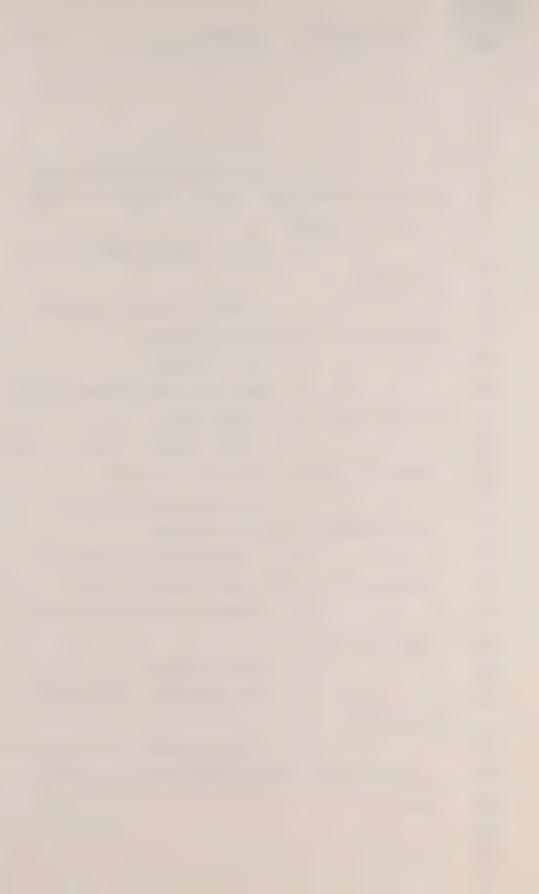
> A. That's correct.

Ω. What did you do when you left

the room?

I.V. setup.

Α. I went to check, or do things with my own children, I can't recall what I did after that.



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there would	have been	vital	signs	to be ta	ken if you
had not comp	leted the	m befor	re you	went int	o Allana
Miller's roo	om?				

- That's correct. Α.
- O. Were there also children, your patients, that required feeding at that time?
 - There is a possibility, yes. A.
- O. Do you recall going back into Room 418 some time then after leaving Miller's room?
 - That's correct.
- At that point in time do you remember whether or not Justin Cook was there?
 - I can't say for sure.
- Did you hear Allana Miller's alarm go off again over the next hour or so?
 - Yes, I did. Α.
 - Do you recall now what time 0.

it was?

A. I can't give you a definite time,

no.

You have told us - you told me earlier that you heard it go off and you were in the room on a number of occasions, several occasions.



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A. T	wo or	three	occas	ions
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0. That is what you testified to at the preliminary hearing we have seen as well.

That's correct.

When you went back into Allana Miller's room on those two or three occasions after the one close to midnight that you have just described, did you on each occasion do so because you heard the cardiac monitor go off?

That's correct.

Did you see anyone in Allana Miller's room on either of those occasions?

There was somebody in there because - I went to the door and I saw nurses in there, but I can't recall who, so I turned around and went back to my own rooms.

.Do you recall now who was in the room on those two or three occasions?

No, I don't.

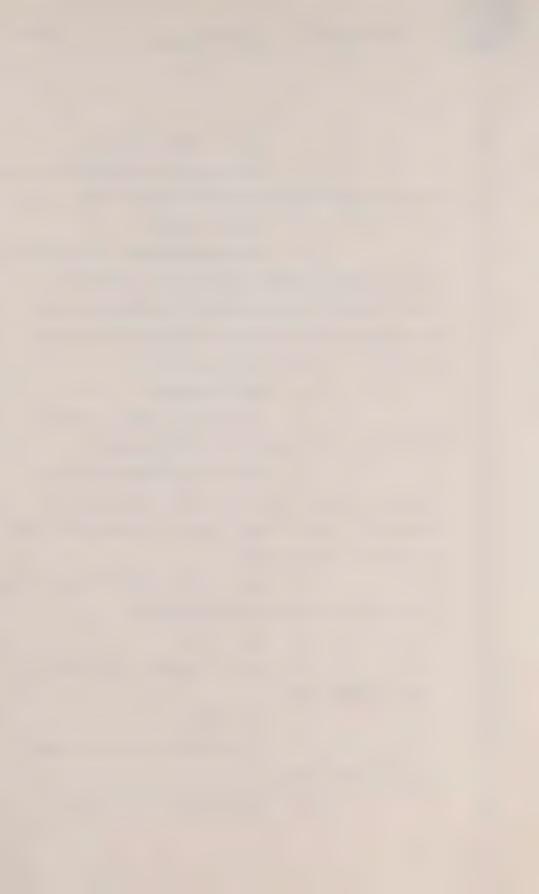
Do you remember seeing Susan Reaper in the room?

No, I don't.

Do you remember seeing Susan

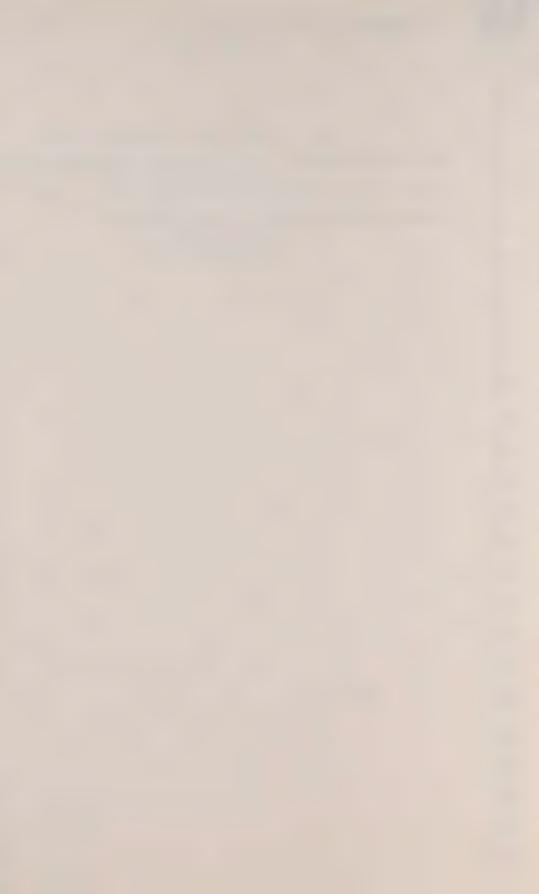
Nelles in the room?

A. No, I don't.



Once again I draw your attention to the statement that you gave to the Metropolitan Toronto Police on March 25th and April 7th. I take it you have seen a copy of that statement.

A. That's correct.



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correct.

Ω Do you recall telling the
police on that occasion that between over the next
hour or so, that is, after midnight that both
Susan Reaper and Susan Nelles attended Allana Miller's
room at times?

A I remember telling them, that's

Q. Do you today have a recollection of having seen them in Allana Miller's room over the next hour or two following midnight?

A. I don't remember seeing them in the room, no.

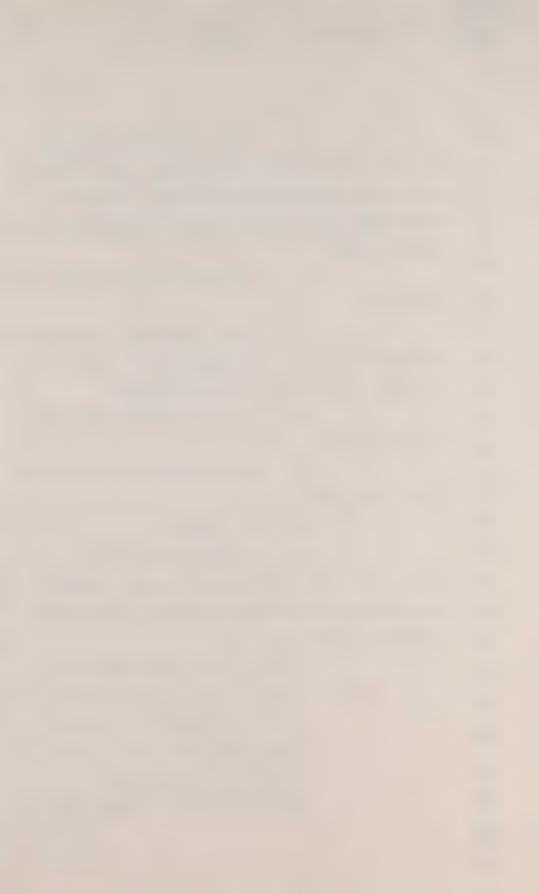
Q. Do you remember seeing Bertha Bell in the room?

A. No, I don't.

Q I am going to suggest to you that at the preliminary hearing, again, Volume7, page 1500, perhaps I can refer you to the passage starting at about line 16:

"Okay. Justin Cook wasn't on constant care, so she wouldn't have to get someone to relieve her if she went in to see how Allana Miller was doing."

THE COMMISSIONER: I take it we are





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talking about Susan Nelles, are we?

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MS. CRONK: We are, sir.

THE COMMISSIONER: Yes, all right.

MS. CRONK: "A. That's right.

"Q. Okay. And isn't it true that at one point Susan Reaper went in to see Allana Miller in 423?

"A. That's right.

"Q. And perhaps Bertha Bell was in there once?

"A. I'm sure she was.

"Q. You're sure she was. Once, or more than once?

"A. I'm not sure how many times.

"Q. Well, a number of nurses were in and out to see Allana Miller because this monitor kept going off, isn't that right?

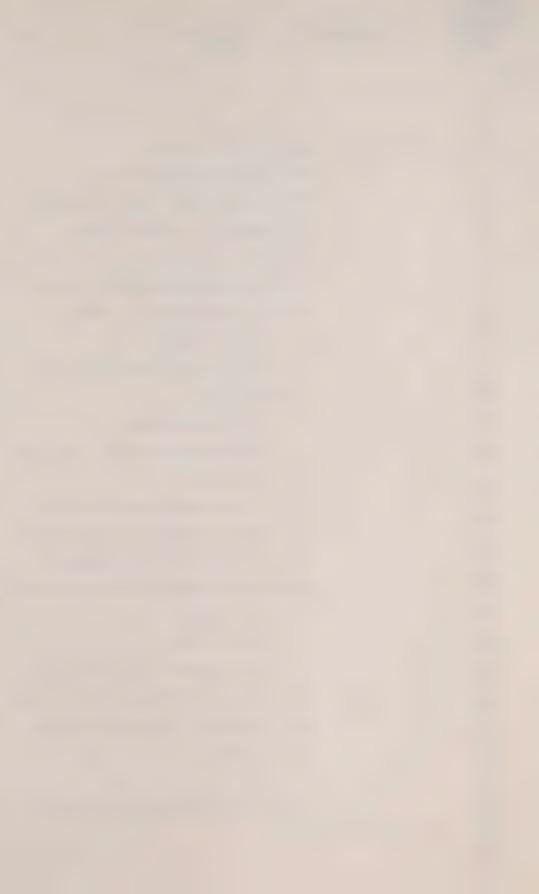
"A. That's right.

"Q. And between 1 a.m. and 2 a.m. this monitor in Allana Miller's room kept going off, frequently, isn't that right?

"A. Yes."

Do you recall giving that evidence,

Ms. Brownless?



A. Yes, I do.

At any time when you were in Allana Miller's room after midnight, after the occasion that you have described with Phyllis Trayner, up until, let's make it first 2 o'clock in the morning, at any time during those two hours did you observe anyone administering any medication to Allana Miller?

A. No, I didn't.

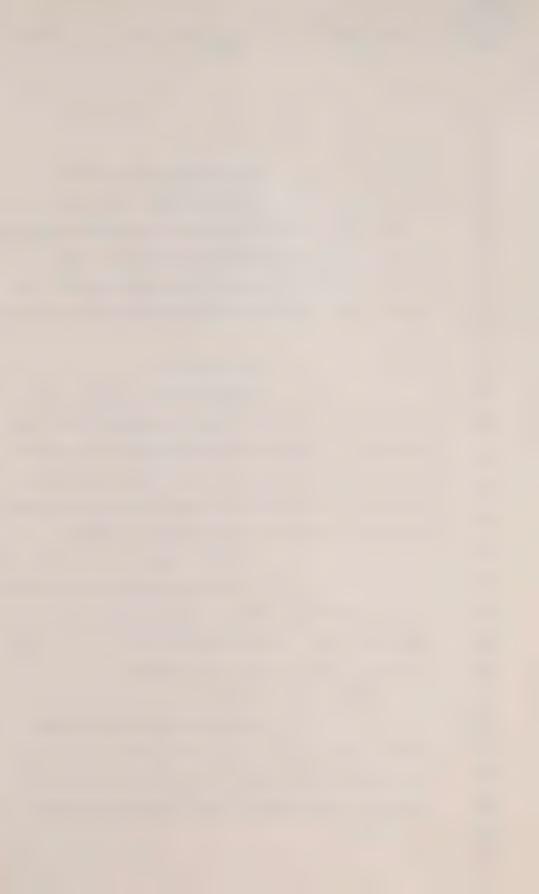
Q. Between those two hours, and again leave aside for a moment the episode that you placed as best you can around midnight when you saw Phyllis Trayner in the room, leave that aside for the moment, during those two hours did you ever again see Phyllis Trayner in Allana Miller's room?

A. I can't recall.

Q. It's been suggested in evidence here, Ms. Brownless, and you may need the medical charts for this. Mr. Registrar, Exhibit 115. Could I ask you to turn to page 38, please?

A. I have it.

Q The Medication and Treatment record for Allana Miller indicates that at 1 o'clock in the morning, that would be on the 21st of March, 1 o'clock in the morning, that a child received a





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dose of gentamicin intravenously. Do you see that?

Yes, I do.

It was suggested in evidence here that although Susan Nelles signed off for that medication it may in fact have been given by Mrs. Trayner. My question to you, if you recall, was whether or not between the episode at 12 o'clock and 2 o'clock in the morning you observed anyone administering any medication to Allana Miller and you have told me no.

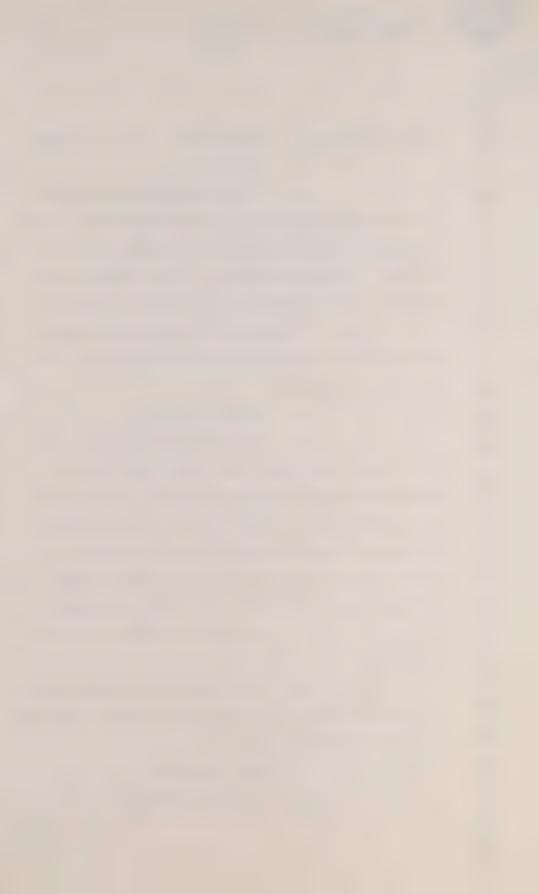
> That's correct. A.

Looking at the medical treatment record and seeing that there was a dose of gentamicin that was apparently given to the child at approximately 1 o'clock in the morning, do you now recall, does that assist you in any way as to whether or not you saw anyone administering any medication to this child during those two hours?

A. I never saw anyone give any medication.

Q. At some point when you were in Room 418 that night did Phyllis Trayner enter that room while you were there?

- A. Yes, she did.
- For what purpose? 0.

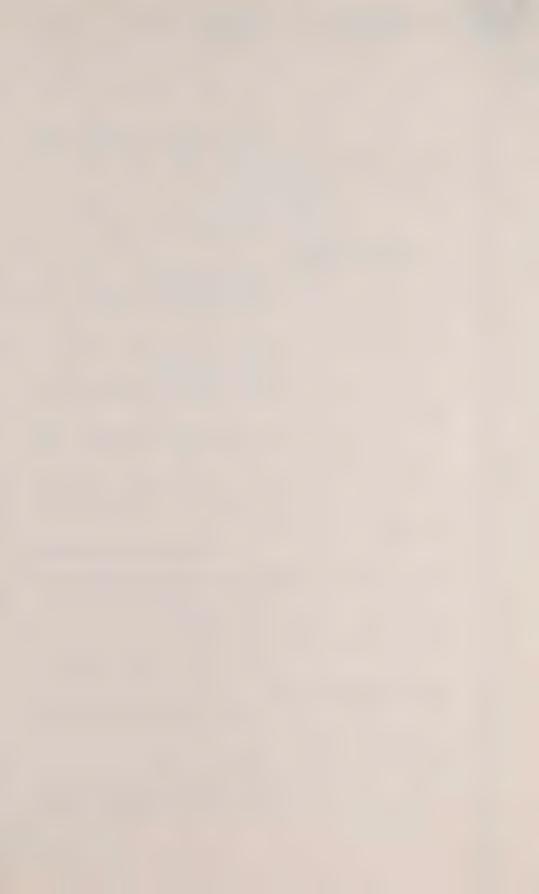


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Brownless, dr.ex. 6332 (Cronk)

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2	A.	To tell Michael Schaffer and
3	Alexis - I can't reme	mber her last name - the
4	condition of Allana M	
5	Q.	All right. Was Alexis,
6	Dr. Alexis Soulioti?	
7	А.	That's correct.
	Q.	Were they both in Room 418 at
8	this time?	
9	A.	That's correct.
10	Q.	What were they doing in that
11	room?	
12	Α.	I can't recall what they were
13	doing.	
14	Q.	And what did Phyllis Trayner
15	tell them?	
16	Α.	Allana Miller's condition
	at the time and if the	ey could come down and see her.
17	Q.	Do you recall what she said
18	about Allana Miller's	
19	A.	That her apex was dropping;
20	that's all I can recal	
21	episode occurred?	Do you recall what time this
22	episode occurred:	Not exactly, no.
23	ς. Q.	Do you recall whether it was a
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an hour?

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long time after that or a short time after that that Allana Miller had an arrest and that the resuscitation team was called for her?

> A. It was a short time afterwards.

Are we talking a matter of minutes, are we talking 10, 15, 20 minutes, can you help me at all?

Talking close to a half hour, A. a short time after.

It could be as much as a half

That's correct.

And what did Dr. Soulioti and Dr. Schaffer do when Mrs. Trayner came into Room 418 and told them Allana Miller's apex was dropping?

A. They left the room, I don't know where they went.

All right. Did Mrs. Trayner Q. leave the room or did she remain in Room 418? She left the room.

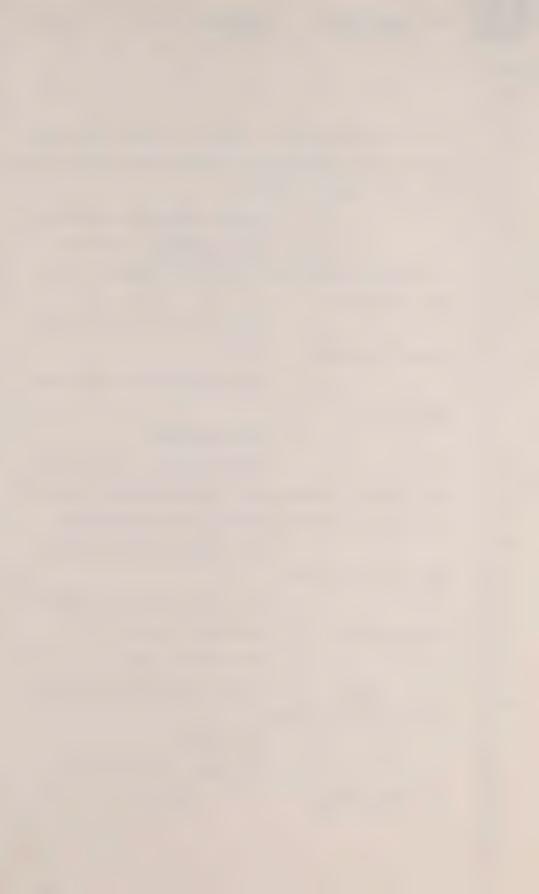
Do you remember who else was

in Room 418 at the time?

A. Susan Nelles.

Q. All right. And what was

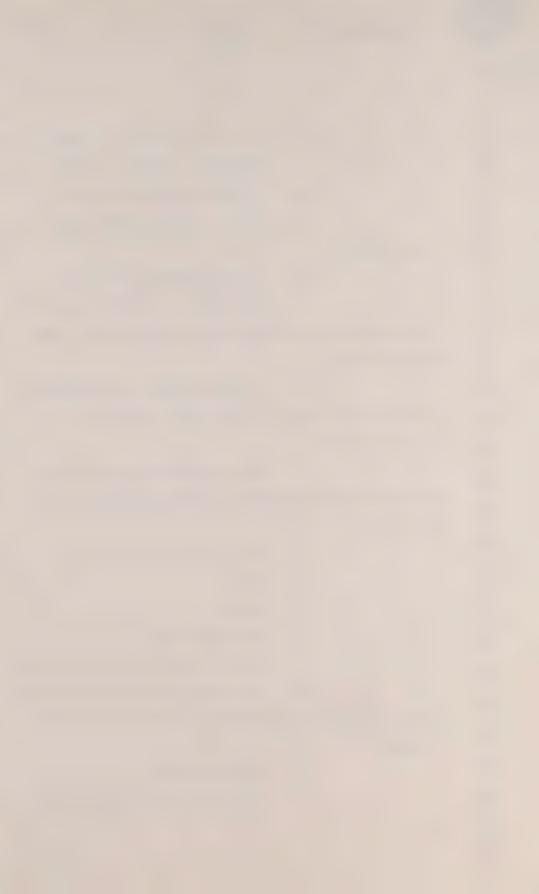
Ms. Nelles doing?





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1 She was attending to Justin Cook. A. 3 Was Mrs. Christie in 418? 0. A. I can't recall for sure. 4 0. Do you recall anyone else 5 being there? 6 I can't recall for sure. 7 All right. You have told me 8 that the doctors left and Mrs. Trayner left, what 9 happened next? À. I can't recall if I stayed in 10 the room for a while, fed a baby, or went to the 11 nursing station. 12 O. Did you again that evening 13 hear the cardiac monitor in Allana Miller's room 14 going off? 15 Did I hear it again? A. 16 0. Yes. Yes. 17 A. 0. When was that? 18 I can't give you an exact time. A. 19 Was that after this discussion 20 between Phyllis Trayner and Dr. Soulioti and Dr. 21 Schaffer? 22 I can't recall. A. 23 All right. Did you at some 0. 24 25



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1 2 point hear a Code 23 being called on this child? 3 A. No, I can't recall a Code 23 being called. 4 0. Do you recall at some point 5 observing people running into or rushing into Allana 6 Miller's room? Yes, I do. 8 Q. And how long after this episode 9 or this discussion with Phyllis Trayner, Dr. Soulioti 10 and Dr. Schaffer did you observe that? A. Approximately a half hour. 11 All right, and what did you 12 do when you saw that? 13 I was instructed to call a 14 Code 25. 15 Q. Do you recall who asked you 16 to do that? No, I don't. 17 A.

A.

No, I don't.

Q And did you call it?

A. Yes, I did.

Q. What did you do next?

A. I went down to the room to see

if they needed any help.

Q. You are referring now to

Allana Miller's room?

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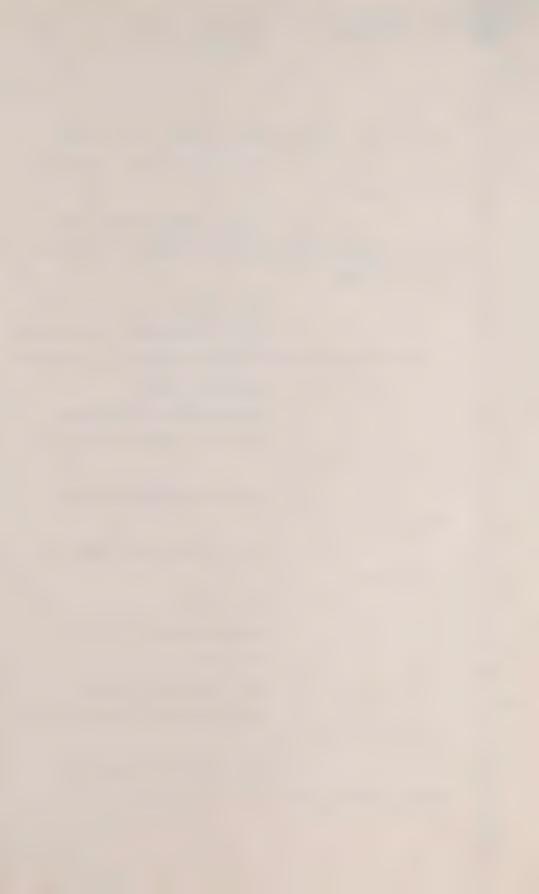
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Α.	That	's	CO	rr	ec	t.	

0. Did you remain in the room to

Like I said earlier I wasn't sure if it was Janice Estrella or Allana Miller if I was asked if I wanted to write or record during the cardiac arrest and I said no and I didn't stay in the room, I left the room to tend to the children on the floor.

0. Well, who was in the room when you went down?

> A. I can't recall for sure.

Do you remember whether or not Dr. Soulioti and Dr. Schaffer were there?

I can't recall for sure.

Could I refer you this time to Volume 6 of your evidence at the preliminary

MR. OLAH; What page?

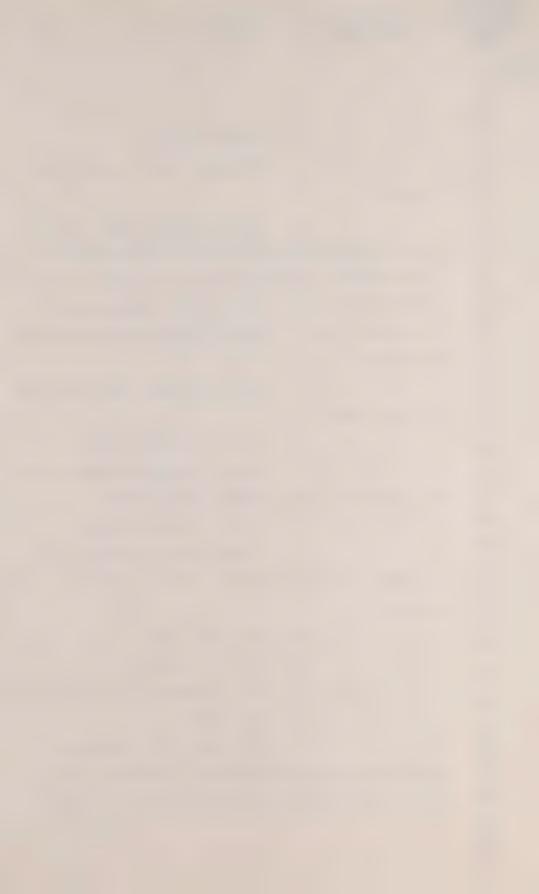
MS. CRONK: Page 1433.

Do you have that, Ms. Brownless?

A. Yes, I do.

All right. Ms. Brownless, I

would like you to read with me, starting at about line 5 you were asked this question, this is with



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Allana Miller:

"Q. You went back in when they called the arrest?

"A. Um-hum.

"Q All right, and do you recall what time that would be, Miss Brownless?

"A. Just in the early hours of the Saturday.

"Q The early hours of Saturday morning. And when you went in there who was there?

"A. Um, Phyllis and Sue.

"Q Phyllis Trayner?

"A. Um-hum.

"Q. Sue Nelles?

"A. Yes.

"Q. Yes? Who else?

"A. Um, I'm not sure if Bertha Bell was or not."

And then further down;

"Q All right. And you're not sure whether she was there. Any doctors in there at that time, or do you recall?



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"A. I don't recall.

"Q. All right. And what were these nurses doing when you went in?

"A. Starting C.P.R. on Allana Miller.

"THE COURT: Starting what?

"A. C.P.R.

"0. What does that mean?

"A. Cardiopulmonary resuscitation."

Do you recall being asked those questions and giving those answers, Ms. Brownless?

> A. Yes, I do.

With the benefit of that evidence in front of you do you now recall whether or not there were any physicians or any other nurses in Allana Miller's room when you went in?

A. I know there were nurses in there but I can't recall which ones.

Do you specifically recall seeing Phyllis Trayner and Susan Nelles in there at that time?

> A. I can't say for sure now.

0. You have told me that you only stayed in Room 423 I thought you said for a minute or two, is that correct?

> A. That's correct.



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0. And you then went out to attend to the other patients?

That's correct.

Did you have any other involvement in the arrest and resuscitation procedures undertaken for Allana Miller?

> A. During the arrest going on?

0. Yes.

A. No, I didn't.

Did you perform any other 0. function to assist the arrest team while you were not in the room but on the ward?

> A. I just looked after the children

on the ward.

0. Did you have any involvement in directing the arrest team into her room?

> Yes, I did. A.

Did you take her chart into Q.

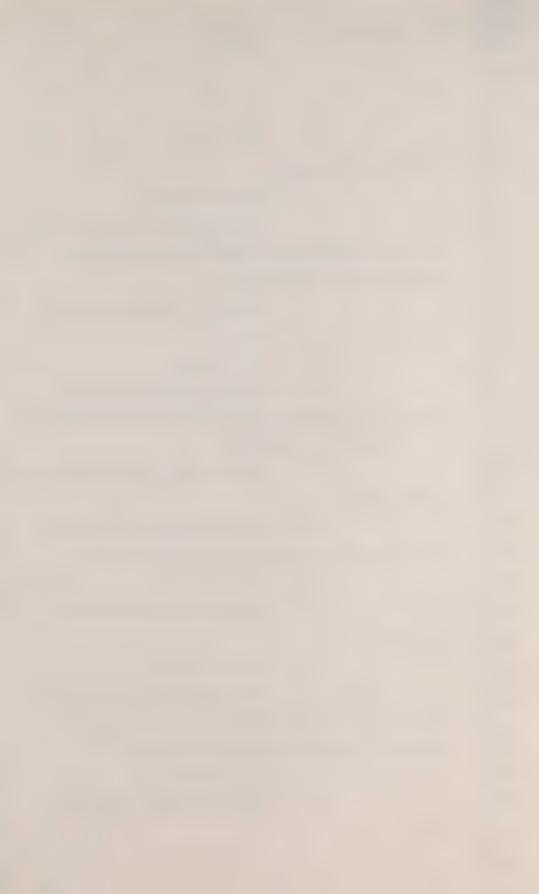
her room?

I don't recall. A.

Did you at any time prior to the child being pronoucned dead see any physician administer any medication to this child?

> No, I didn't. A.

You did not see then any of 0.



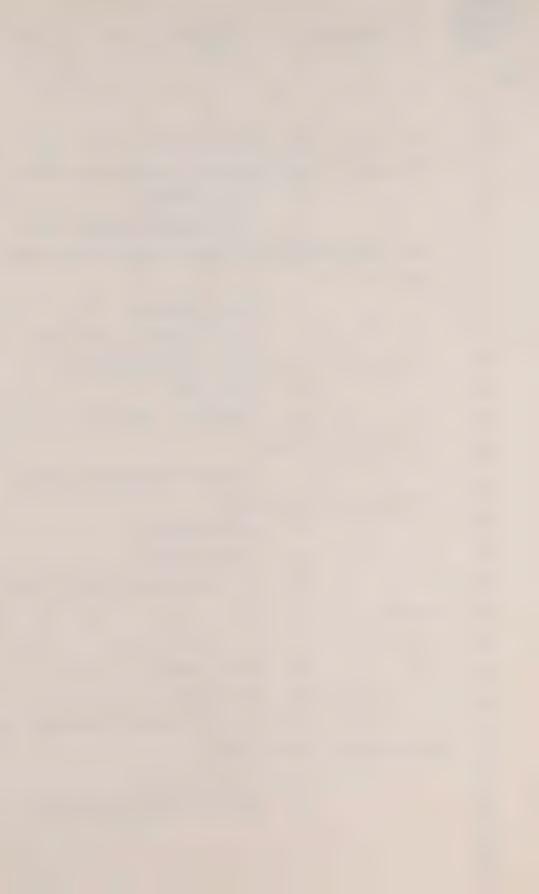
ANGUS, STONEHOUSE & CO. LTD. Brownless, dr. ex. 6340 (Cronk)

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2	the drugs that were administered or may have been
3	administered to her during the resuscitation effort?
4	A. That's correct.
5	Q. Nor any drugs that may have
6	been administered prior to the arrival of the arrest
7	team?
	A. That's correct.
8	Q. Did you have any involvement
9	with the child after she was pronounced dead?
10	A. Yes, I did.
.11	Q. All right. Can you tell me
12	please what you did?
13	A. I helped Sue wash the child up
14	and prepare for the morgue.
	Q. Anything else?
15	A. I can't recall.
16	Q. Did you take the child to the
17	morgue?
18	A. No, I didn't.
19	Q. Who did that?
20	A. Susan did.
21	Q. Did you have any involvement in
22	helping clean up the room?
22	A. I don't recall.

Q. What was your own reaction to

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1 2 the death of Allana Miller? 3 A. I was upset. 4 Were the other nurses on the floor upset? 5 Yes, they were. A. 6 Q. Was Susan Nelles upset? 7 A. Yes, she was. 8 Do you know whether she was 9 crying or whether she wasn't? 10 I can't say for sure if she was crying or not. I'm pretty sure she was. 11 What about Mrs. Trayner, was Q. 12 she upset as well? 13 Yes, she was. 14 And Mrs. Christie? 15 A. I don't recall what Mrs. 16

Christie's response was.

Did you see anything at all that night, the night Allana Miller died that you regarded as unusual or out of the ordinary?

No, I didn't see anything

Did you participate in any discussions following her death or did you overhear any in which it was suggested by anyone that there

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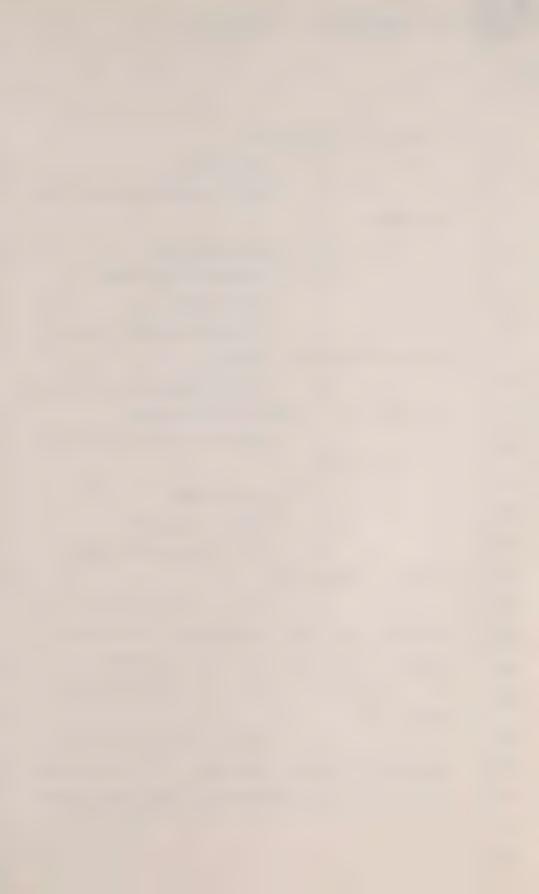
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may have been something unusual about her death?

A. No concerns were discussed with me.

Q. Do you recall anyone suggesting at any time after her death, whether it would be a physician or a nurse, that digoxin toxicity may have contributed to her death?

> A. I wasn't aware.

0. I'm sorry?

I wasn't aware of dig. toxicity with Allana Miller.

Well, do I take that to mean 0. that you didn't hear that being suggested by anyone?

That's correct.

Did you discuss her death later that morning with Bertha Bell?

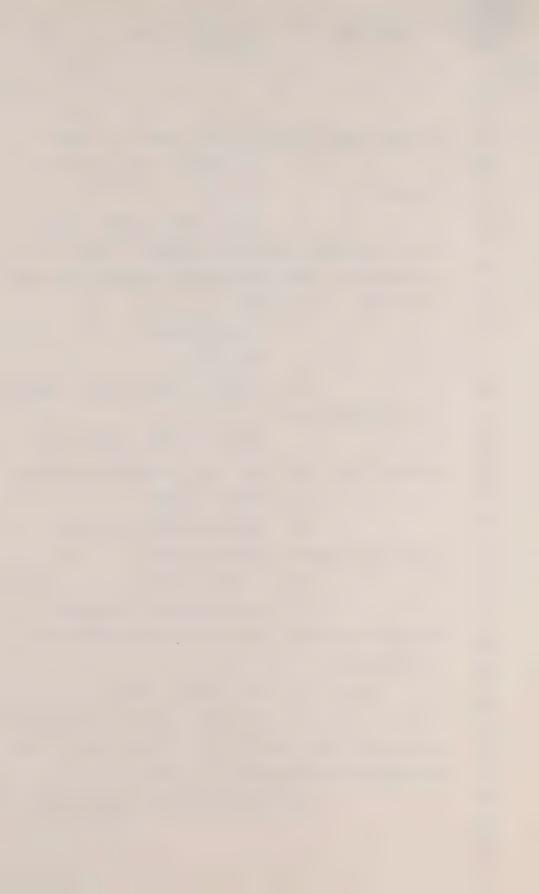
I don't recall.

Do you remember discussing her death later that morning or subsequently with Dr. Schaffer?

> No, I don't recall. A.

Q. Could we turn then to the events of the next night, March 21st, '81, and again I would ask you to look at Exhibit 32A, Tab 13.

THE COMMISSIONER: Do you think we





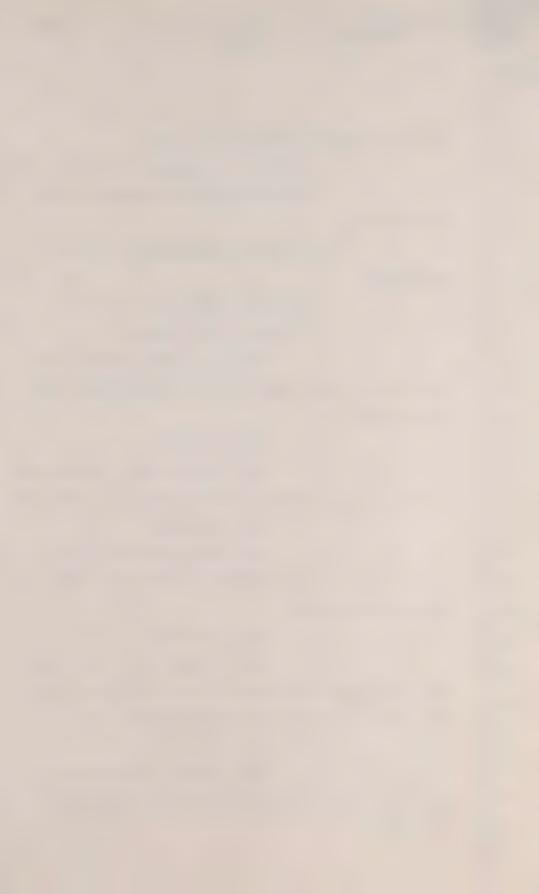
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1 2 could get some preliminaries on this? 3 MS. CRONK: I thought I would try, sir. THE COMMISSIONER: Another kind of 4 witching hour. 5 MS. CRONK: Page 178 to 179, Ms. 6 Brownless. 7 THE COMMISSIONER: 13, is it? 8 MS. CRONK: Yes, Tab 13. 9 This is the duty roster if you will for the long night shift on the Saturday night, 10 March 21st? 11 A. That's correct. 12 As I read it, Mrs. Trayner was 13 again on duty in charge with one patient in Room 426? 14 That's correct. 15 Ms. Nelles was on duty and 16 appears to have had constant care of Justin Cook in 17 Room 418 that night? A. That's correct. 18 Mrs. Christie was on duty and 0. 19 had three patients in Room 425, one in Room 418 and 20 two in 421. Do I have that correctly? 21 That's correct. A. 22 You yourself were on duty on 23 the long night shift and you had four children in

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Room 418?





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Q. On the basis of these entries am I correct in concluding, Ms. Brownless, that there was full occupancy in Room 418 that night, that is, six children, and that there were in fact three nurses assigned to patients in that room during the course of that shift?

A. That's correct.

Q. Ms. Nelles, Mrs. Christie and

A. That's correct.

Q. Could I ask you to turn if you would then to Tab 18. This is the 4B assignment book and I would ask you to look at page 10 and 11.

A. I have it.

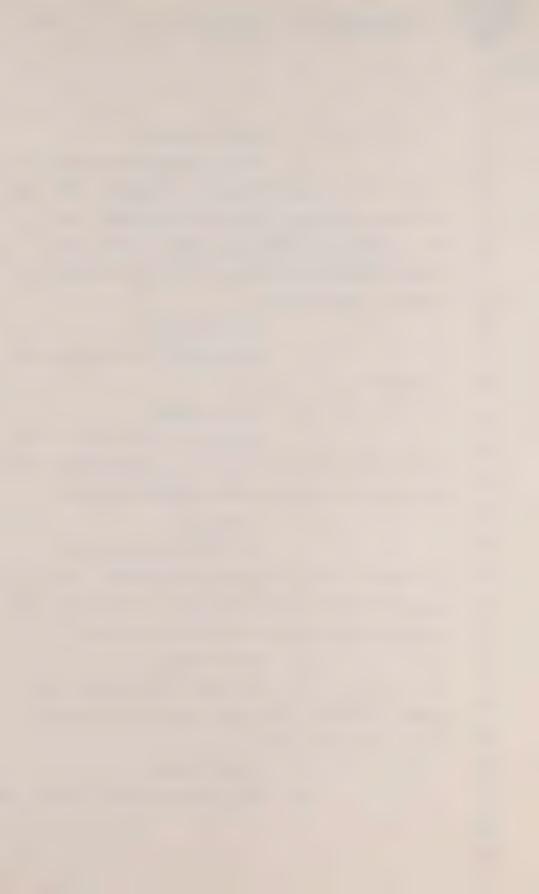
And again I direct your attention to the long night nursing shift. It appears that Mrs. Bertha Bell was the nurse in charge that night and she had one patient in Room 437?

A. That's right.

Q. Ms. Reaper was working that night, the long night shift, and had six patients in three different rooms?

A. That's correct.

Q. Ms. Whittingham was working, she



in Room 431?



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had three patients in three different rooms?

A. That's correct.

0. And Ms. Lyons had four patients

That's correct.

Am I correct that that is exactly the same nursing team both on Ward 4A and on 4B that were on duty the prior night when Allana Miller died?

> A. That's right.

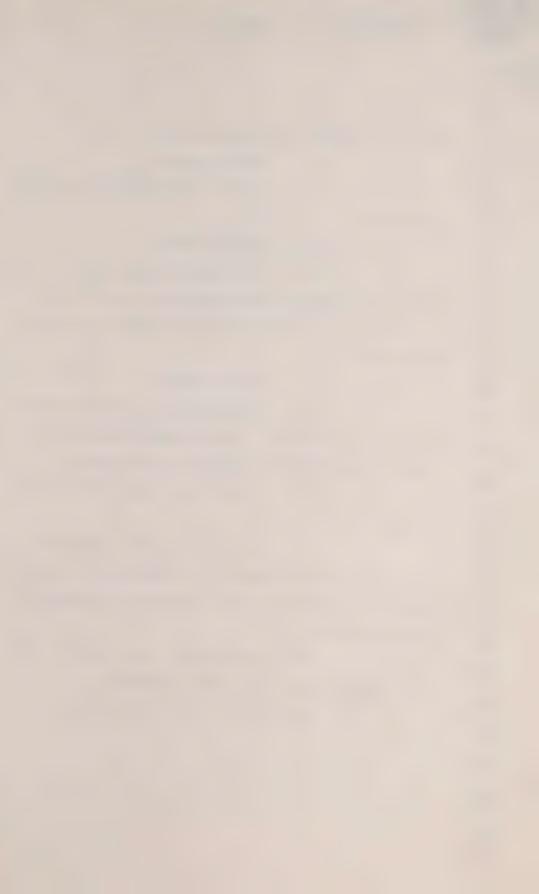
Q. And your four patients we have seen were in Room 418. Do you recall now where in Room 418, which beds contained your patients?

I can recall where two of the children were.

All right. Could I ask you to 0, turn - I am not sure what it's numbered now, I don't think it is numbered. It is the drawing contained in your personal notes.

THE COMMISSIONER: It's page 6. is the reverse that didn't get numbered.

MS. CRONK: I see, thank you.



M DM/PS TORONTO, ONTARI

O. You have told me that the diagram on the bottom of this page is a sketch that you made of room 418.

Brownless

dr. ex. (Cronk)

A. That's correct.

Q. And we see three beds on the east side and three beds on the west side.

A. That's correct.

Ω. And you have marked Justin Cook as being in the middle bed, is that on the - logically it is on the east side.

A. That is correct.

0.

relation to the six beds you have shown in the diagram?

A. On either side of Justin.

Where were your patients in

O. On the east side?

A. Yes. And the two beds beside one another on the west side.

Q. You are pointing to the top two beds on the west side?

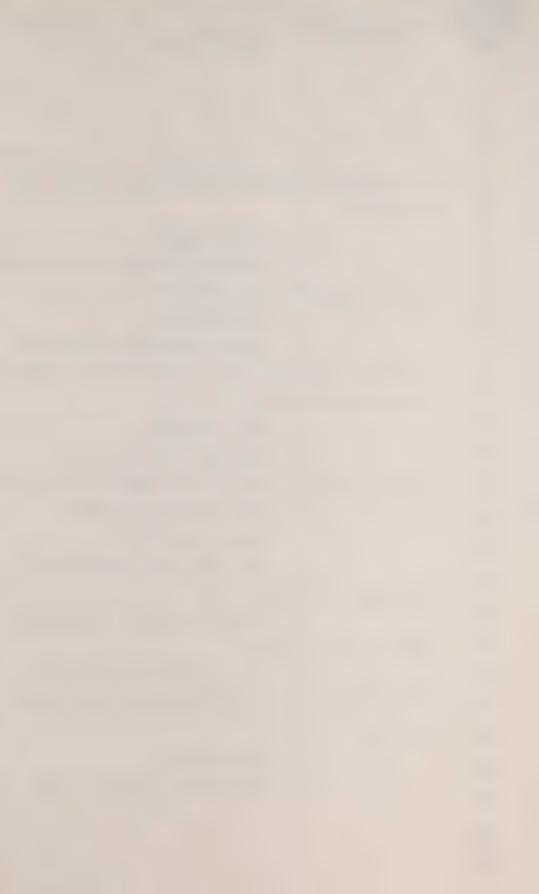
A. Yes, the door is right there.

Q. You are pointing to the bottom,

the south?

A. That's right.

Q. And then the last bed on the



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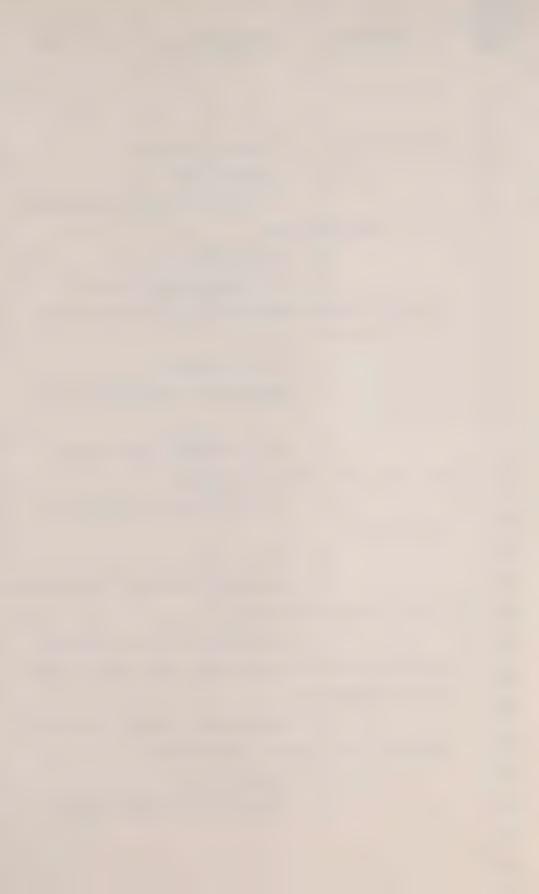
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24 25 west side held Mrs. Christie's patient?

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- A. That's right.
- You have also made a notation of a TV, do you see that?
 - Α. Yes, I do.
- It appears to me that is immediately above Justin Cook's bed, that is where you have written it in.
 - A. That's correct.
- Q. Where exactly was the TV in that room?
- Α. It is directly above his bed, about two inches from the ceiling.
- 0. Is it set up on a platform of some kind?
 - A. Yes, it is.
- Q. And what is the word that you have written in beside the word TV?
- A. Conference, that is just where the windows are in the conference area where we have coffee all the time.
- O. Now by that you mean the patient conference area in the nursing station?
 - A. That's right.
 - There are three short lines that 0.



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you have drawn, one immediately in front of each bed that you have shown on the east side, are those the three observation windows that face from Room 418 out into the patient conference area of the nursing station?

A. That's correct.

 Ω . Do you recall on the night of March 25th when you reported for duty, at first when you went into Room 418, whether or not the blinds on those windows were open or shut?

> Α. I can't recall.

O. Do you recall at any point that night observing them shut, one way or the other, do you know?

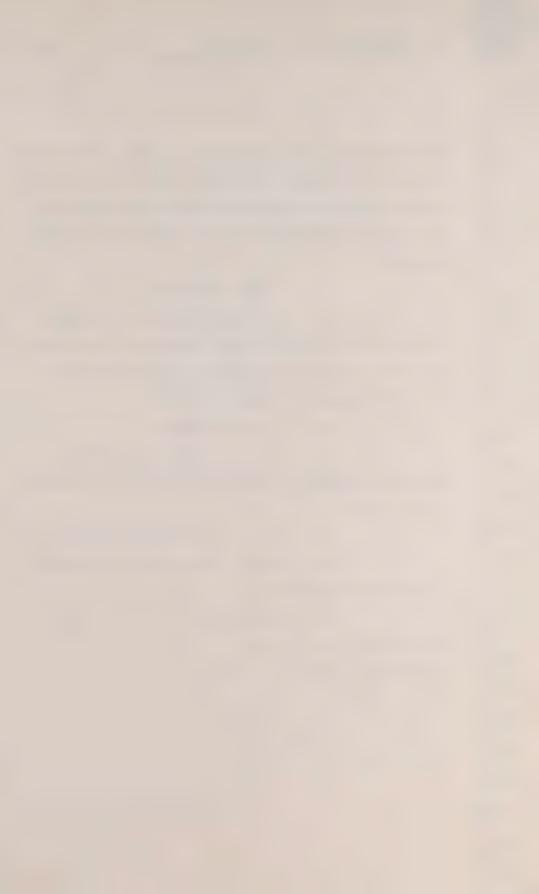
I can't say one way or the other.

MS. CRONK: Sir, perhaps it would be preferable to break now.

THE COMMISSIONER: Yes, all right.

We will rise until 2:15,

---Luncheon recess.





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--- Upon resuming at 2:25 p.m.

THE COMMISSIONER: Yes, Ms. Cronk.

MS. CRONK: Thank you, sir.

Ms. Brownless, before we broke for lunch we were discussing the nurses that were assigned to long night duties on the night of Saturday, March 21st. We had established that that night you were assigned to the care of four children in Room 418; do you recall that?

> Α. That's correct.

Can you tell me please what condition your children, your patients were in at the start of that shift?

A. As far as I remember they were very stable.

0. Did you arrive at your normal time that evening?

> Yes, I did. Α.

That would be approximately 7:00? 0.

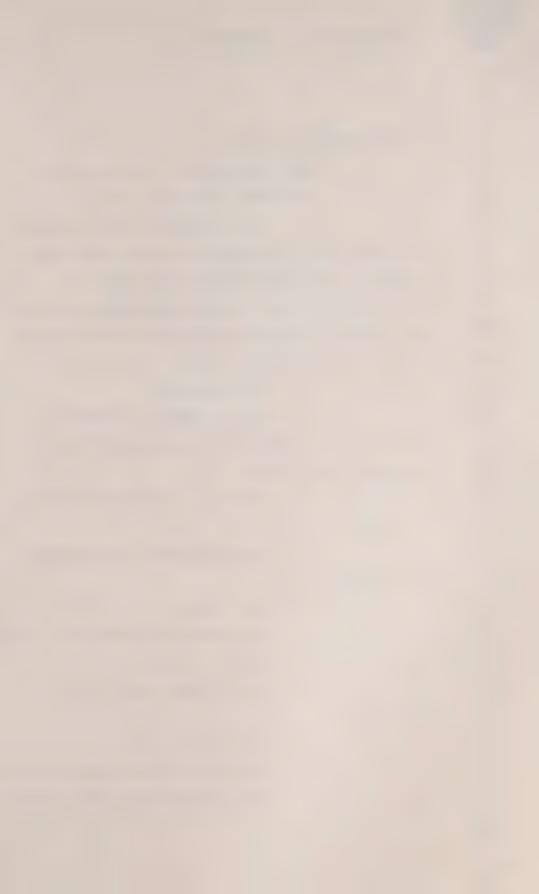
That's correct.

Did you take report as you Ω .

normally do?

Yes, I did.

0. When was the first time that you were in the room to which your children were assigned,



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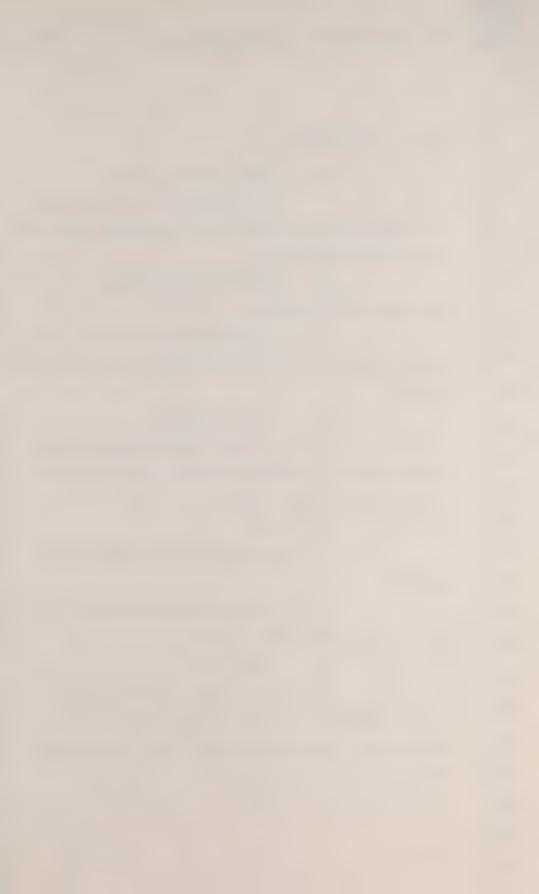
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that is, Room 418?

- About 10 to 8, 8:00. Α.
- Do you recall now having been told anything about Justin Cook's condition when you took report that evening?
- Α. That he was on constant care is the only thing I remember.
- Did you know at that time, that 0. night, whether or not Justin Cook had been prescribed digoxin?
 - I did not know. A.
- O. You have told us that you were in Room 418 for the first time with your patients at about 10 to 8 that night?
 - Α. Yes.
 - When were your children due to 0.
- I can't recall off-hand, if I A. can refer to those notes I made.
 - That's fine. 0.
 - At 8, 8:30, 10 and 10:30 -
- 0. Was there one that was due to be fed at 8:00 as well, according to your handwritten notes?
 - Α. Yes.



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A. Yes, I did.

Q. When you first went into Room 418 I take it Justin Cook was there?

A. That's correct.

O. Was Susan Nelles there at that

A. Yes, she was.

O. When you first entered the room and saw your own patients and Justin Cook and Susan Nelles, did you see anything taped to Justin Cook's bed?

A. Yes, I did, on the inside of his bed I saw an ampule and a syringe taped.

Q. Can you tell me now what size the syringe was, or do you recall?

A. I don't recall.

O. When you say it was on the inside of the bed, was it at the foot of the bed or the head end of his bed?

A. The foot.

Q. What kind of bed was he in?

A. He was in a crib size.

Q. You have told us where that bed



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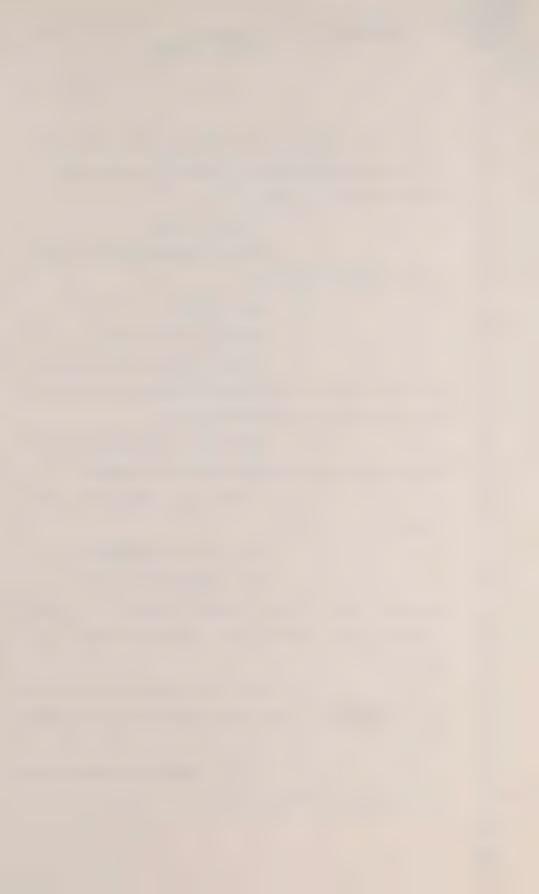
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was,	and	you	have	told	us	tha	at	the	re	was	one	ampule
and o	one	syrin	nge t	aped	to	the	be	d,	was	the	e amp	pule
broke	en o	r was	s it	full?								

- A. I can't recall.
- O. Did you actually look at the ampule and the syringe?
 - A. Yes, I did.
 - Q. Why did you do that?
- A. Because that is the first time I had ever seen an ampule taped to the end of the bed and I was just curious what it was.
- Q. What did you observe when you went to look at the ampule and the syringe?
- A. I read what it was and it was Inderal.
 - Q. That is on the ampule?
- A. Well, propranolol, Inderal is the same thing, I can't remember exactly if it said propranolol or Inderal, but I know that's what it was.
- Q. When you said you read it, are you referring to reading the lettering on the ampule?
 - A. Yes.
- O. Did you observe any markings or any writings on the syringe?



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A. I can't recal	1.
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 Ω . You told us that you never before had seen, as I understood what you just said, an ampule or medication taped to a child's bed, is that correct?

A. That's correct.

 Ω . And in your experience then that

A. Yes.

A. I don't think I inquired, no.

 Ω . Did you have any discussion with her about it at all?

A. No, I don't think I did.

Ω. Did you inquire of your head nurse that night why it was there?

A. No, I didn't.

Q. Did you notice any other medication in Justin Cook's room other than that ampule and syringe taped to the inside of the bed?

A. I didn't notice any other medica-

O. We have heard evidence from another witness that there may have been one or two ampules of



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Inderal on a bedside table near Justin Cook's bed;
did you notice anything of that kind?

- A. No, I didn't.
- Q. You have told us that there was a TV in Justin Cook's room sitting on a platform above his bed, was the TV on at the start of the shift?
- A. I am not sure if it was on at the start but I know it was on some time during the evening.
- O. When you say during the evening, was that before or after your break?
 - A. Before.
- Ω_{\bullet} How long did it take you to feed the four children to whom you had been assigned in Room 418?
 - A. To approximately 10:30, 11:00.
- What did you do after you completed
 their feedings?
 - A. Had a coffee.
 - O. Took a coffee break at that

time?

- A. That's correct.
- O. While you were in the course of feeding your children can you tell me first of all



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what kind of feedings were they on?

A. Formula.

Ω. Were the formula bottles in Room 418, or were you required to go outside the room to fetch them?

A. Some of the formulas were kept in the fridge across the hall, and some of the formulas were kept in the formula cart which is down the hall across from 431.

Q. When you say some were kept in the fridge across the hall, are you referring to the kitchen?

A. Yes.

Ω. And that is Room, if you look at the layout, can you identify the room for us?

A. 416.

Q. That is 416 labeled as the

pantry?

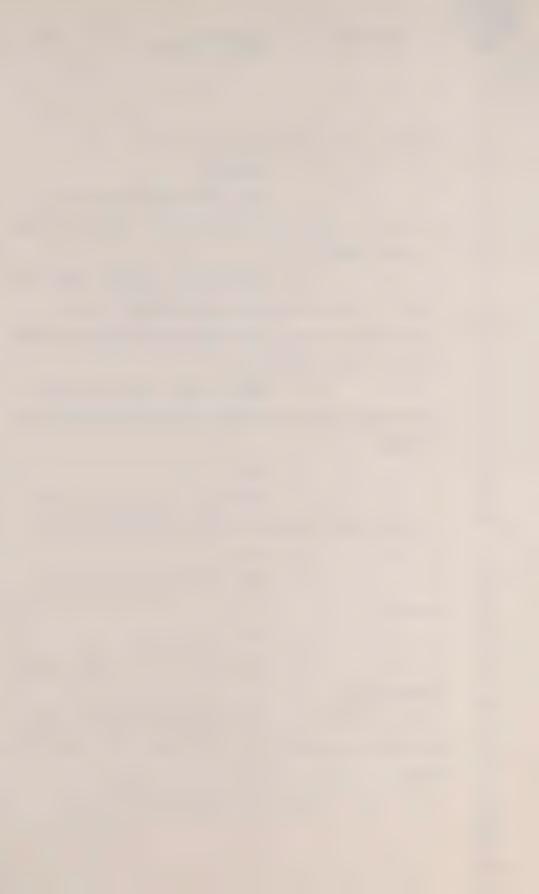
A. Yes.

Q. And where were the other formula

bottles kept?

A. In the linen room which would be 428, down to where the holding cart, if you go further down.

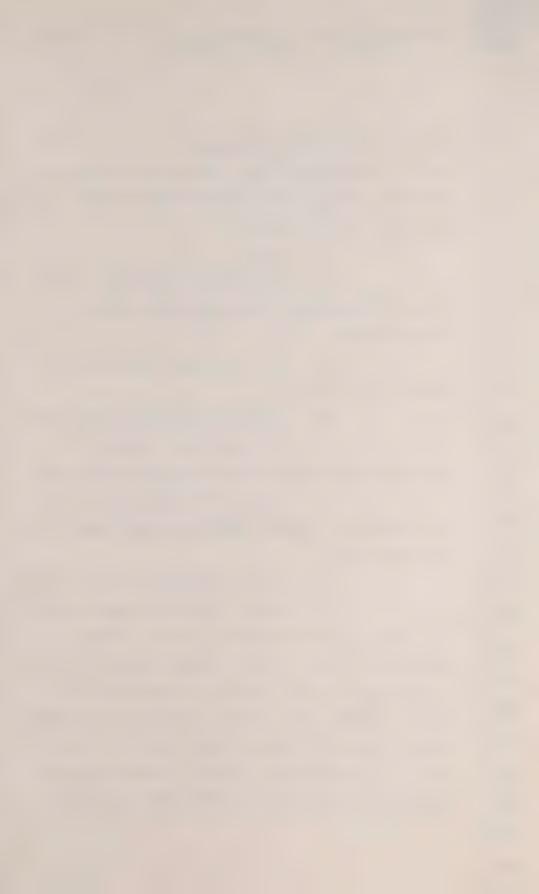
O. Then I take it then that



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at various times during the period 8:00 until 10:30 or 11:00 at night you were in and out of Room 418 to fetch the formula, and I assume whatever other supplies you needed, is that fair?

- A. Yes.
- O. Do you recall now when exactly it was that you began your first coffee break of the evening?
- A. Not precisely, approximately around 10:30 11:00.
 - Q. Where did you go for your break?
- A. The same area I always go to, the back of the nursing station where 4B gets report.
- Ω . Do you recall now who you took your break with, whether there was anyone else at the nursing station?
 - A. Not at that time, I don't recall.
- Q. Could I refer you again to your personal notes at the bottom of page 1 and the beginning of page 2. Just a general question first, you will recall that I asked you with respect to page 4 of your notes regarding Allana Miller, whether you had attempted in making your notes to set out events in a chronological order, or whether you had attempted merely to set out everything you could



Brownless

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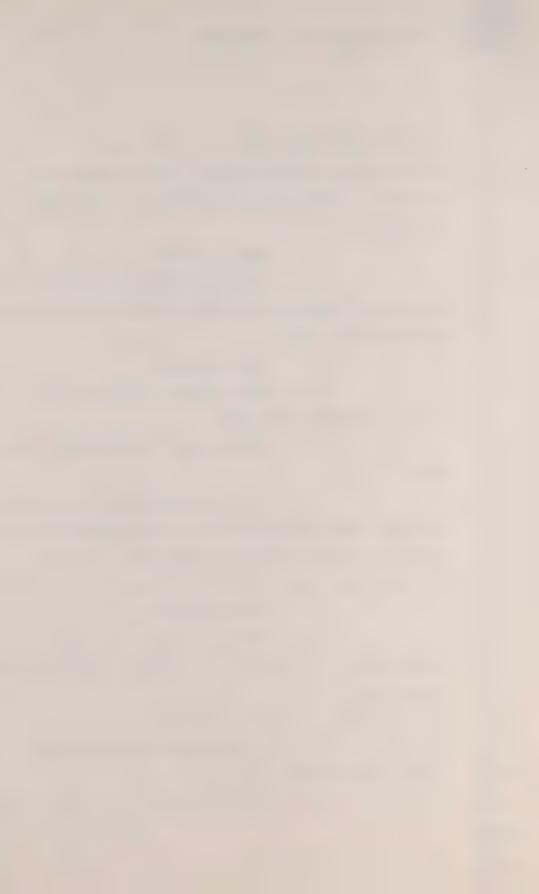
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remember about that night. You told me as I recall it that you were simply trying to set out everything that you could remember, do I have that correctly?

- A. That is correct.
- O. Would you agree with me that that doesn't appear to be the case with the notes concerning Justin Cook?
 - A. That's correct.
- Ω_{\star} These appear to be set out in a time or chronological sense.
- A. Yes, as best I could recall them, yes.
- O. I draw your attention to the bottom of page 1, the entry for 10:45 in the evening when you indicate that you started to feed Robin, I take it that child was one of your four patients.
 - A. That's correct.
- O. And vital signs; and then wen to get bottle, I take it that is went to get bottle from linen room.
 - A. That's correct.
- O. In fact were any bottles kept in the linen room?
 - A. The linen room is the holding cart



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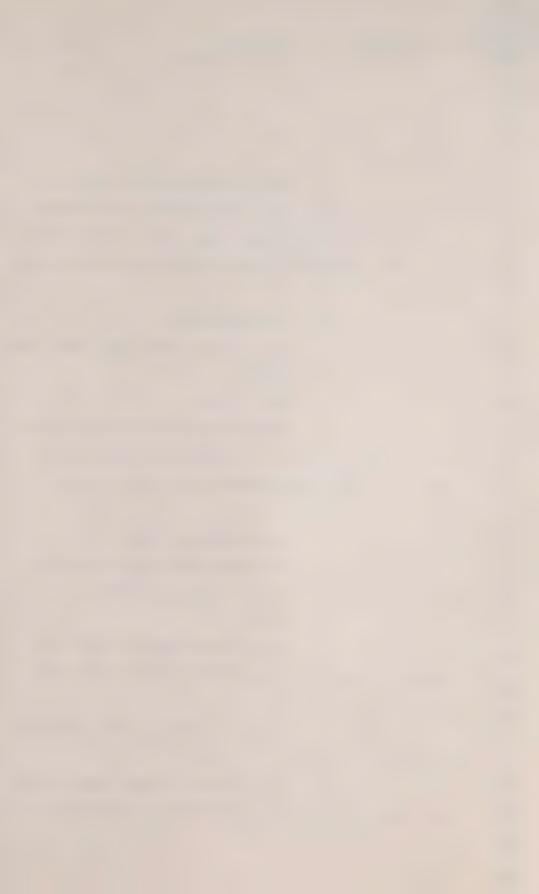
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further down.

Then on the next page your entry for 11:15 p.m., you indicate that you went for coffee in the 4B conference area, and I take it that is the patient conference area at the back of the nursing station.

- That's correct. Α.
- 0. You will note that your time there is 11:15, do you see that?
 - Yes, I do.
- To the best of your recollection now can you assist me any further as to what time it was exactly that you commenced that first coffee break?
 - Approximately around 11. Α.
- You think then your notes and 0. the recording of it is some 15 minutes off?
 - A. Yes.
- Did you see anyone in Room 418 before you took your first coffee break, other than Susan Nelles?
- A. Some - a doctor, I can't remember his name, and Phyllis.
- Can we deal with the doctor first 0. What was he doing in Room 418 when you observed him



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there?

A. He just came in to check on

Justin.

O. Was Susan Nelles there at the

time?

A. Yes, she was.

Q. How long was he in the room?

A. I can't recall.

Q. When did Phyllis Trayner come into

the room?

have been around 9:00.

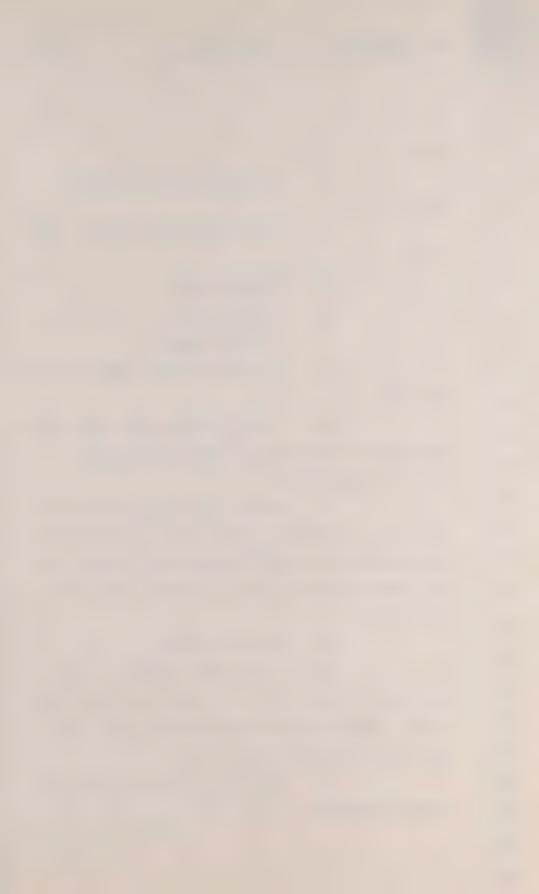
A. I can't recall what time exactly. She could have been doing my meds so it could

And we know that you could not have given, according to the rules in the hospital, your medications to your children that night, is it your recollection that Phyllis Trayner gave your medications?

A. That is correct.

O. Do you recall whether or not Mrs. Christie was in and out of the room during that period, having regard to the fact that she, too, had a child assigned to that room?

A. She possibly was in or out but I don't remember.



Brownless

dr. ex. (Cronk)

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Q. At any time up until 11:00
which is your best recollection as to when you took
your first coffee break, did you see anyone administe
any medication of any kind to Justin Cook?

A. I don't recall seeing any medication being given.

- Q. You don't recall one way or the other, or you recall that you didn't see it?
 - I didn't see it, sorry. Α.
- During that same time period 0. from 8:00 until 11, did you observe anyone feeding Justin Cook, to the best of your current recollection?
- Until 11:00, no, I didn't see anyone feeding Justin.
- How long were you gone on your first coffee break?
 - I can't say for sure how long. Α.
- Q. How long did you normally take for your first coffee break?
 - Anywhere from 20 to 30 minutes.
- Do you still have Volume 7 of Q. your evidence at the preliminary hearing there, Ms. Brownless?
 - No. Α.

MR. OLAH: What page, Ms. Cronk?



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MS. CRONK: 1507.

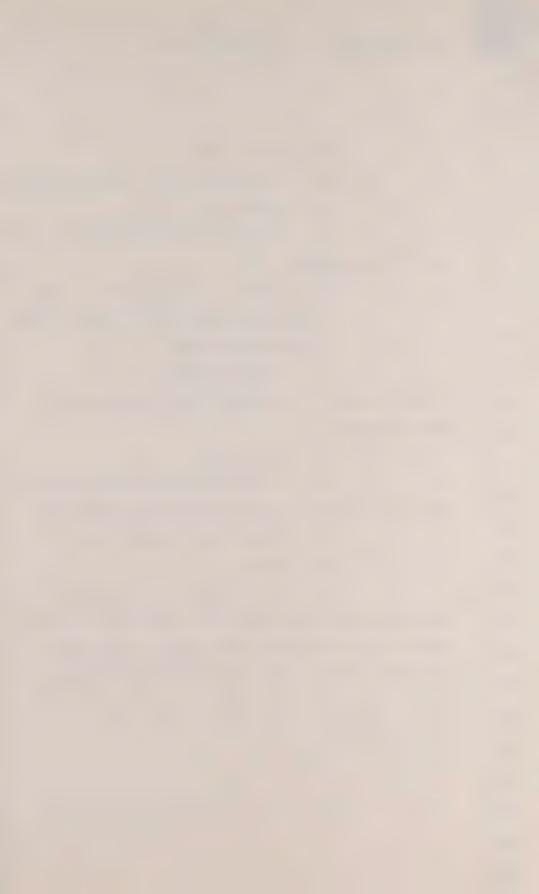
- Q. Do you have that, Miss Brownless?
- Yes, I do.
- O. At the start of the page you were asked this question:
 - "O. Right. At some point you saw a doctor go into Room 418, some fellow by the name of Roy.
 - That's right."

Stopping there for a moment, do you recall giving that evidence?

- Yes, I do.
- Do you now recall that the doctor's

first name was Roy, or that his last name was Roy?

- A. That came in before 11?
- 0. Yes.
- Roy Jedeikin did come in at one time, but I can't recall if it was close to 11, I know he left the hockey game early to come back to the floor, I'm not sure exactly what time he came.



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Q. And reading on	:
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"O. Right. And even while you were on your break after 10:30 that would be sort of a coffee break I take it, 10:30, usually about a half hour?

A. Until I have to start working again.

Q. Until you have to start working again. Even during your break you went in a couple of times to see your children in Room 418?

A. That's right."

Now, stopping there, there appears to be the suggestion at that stage of your evidence that you felt that your break might have started at 10:30 that evening. Just to be very clear, is it your best recollection today that you feel it was more likely 11 o'clock than 10:30?

A. That's correct.

MR. OLAH: Excuse me, Mr. Commissioner.

Initially the witness said it was some time between

10:30 and 11:00. My friend then put a statement to the

witness which seems to suggest 11:15 and then her

answer was some time around 11:00. So, I would have

thought that the matter was fairly clear. I don't know



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why my friend is --

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THE COMMISSIONER: Well, is it

important, Miss Cronk?

MS. CRONK: If the witness can help us. If not, it seems to me --

THE COMMISSIONER: No, but does it

matter whether it was 10:30 or 11:00?

MS. CRONK: It will matter in terms of medications that Justin Cook received, sir.

THE COMMISSIONER: Well, but she didn't

see any.

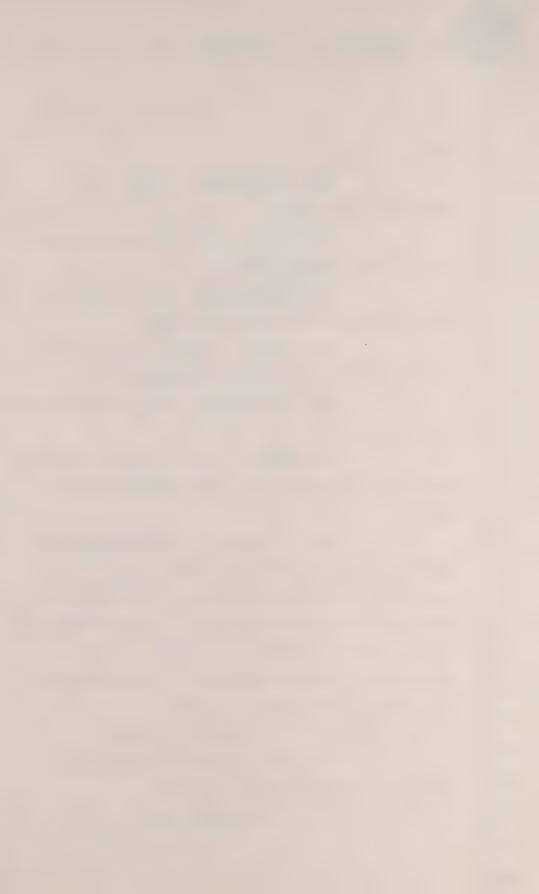
MS: CRONK: Well, I think my friend's point is well taken. I have had several different answers.

Q. Simply, it appears from your personal notes, Ms. Brownless, that the time was 11:15 and it appears that there was some suggestion, and I put it no higher than that, in your evidence at the preliminary hearing that it might have been 10:30. Do you have a clear recollection in your mind at all as to when you started that break?

- A. It was close to 11:00.
- Do you recall now when you

returned to Room 418 after your break?

A. Not exactly, no.



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We know that Susan Nelles was on constant nursing care of Justin Cook that evening. She would then therefore have had to have been relieved for her first coffee break?

> Α. That's correct.

Do you know who relieved her and 0.

when?

Phyllis did. Α.

Do you know when she relieved Q.

her?

Approximately midnight. Α.

Do you know how long she relieved 0.

her?

A . Approximately a half hour, I

can't say for sure.

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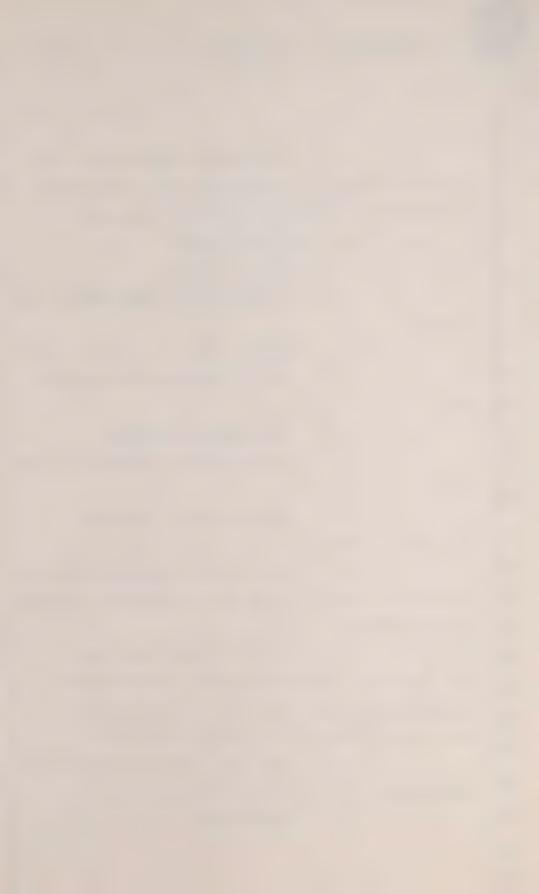
Q. Do you have a clear recollection in your mind that you think she was relieved at approxi-

mately midnight?

Fairly, because just before I was going to go back in the room I said to Phyllis I was going to take in Sue a coffee and she said don't bother I am going to relieve her shortly.

All right. Did that conversation Q. take place at the end of your own coffee break?

A. Yes, it did.



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o'clock	unt	il n	nidni	ght	:?						

A. No. Oh, sorry, pardon me, I was probably out at the nursing station at the time, in and out.

Q. All right. Well, could I ask you again the same volume, Volume 7 of your evidence, same page, 1507 continuing at about line 15:

> "Q. Did you see Phyllis Trayner relieve Susan Nelles in respect of the care of Justin Cook around 11:15 that evening so that Susan Nelles could have her coffee break?

> Q. You did. And how long was Phyllis Trayner in with Justin Cook then?

A. I don't -

A. Yes, I did.

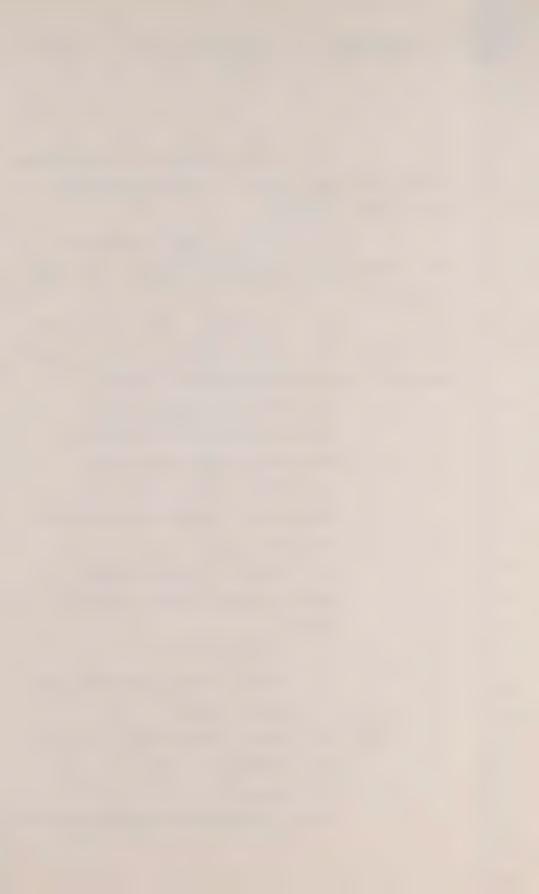
Q. In Room 418 while Susan was gone?

A. I don't recall.

Q. Usually these breaks are about a half an hour?

A. Usually."

You may not be able to help me with this,



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Ms. Brownless, but again there is a suggestion in your evidence at the preliminary hearing that Miss Nelles was relieved at about 11:13. That suggestion was put to you and you agreed with the question as it was put to you. My question to you now is: Do you have a clear recollection in your mind at all as to when Susan Nelles was relieved for that first coffee break by Phyllis Travner?

After I read these notes, the ones that I have made, it is closer to midnight.

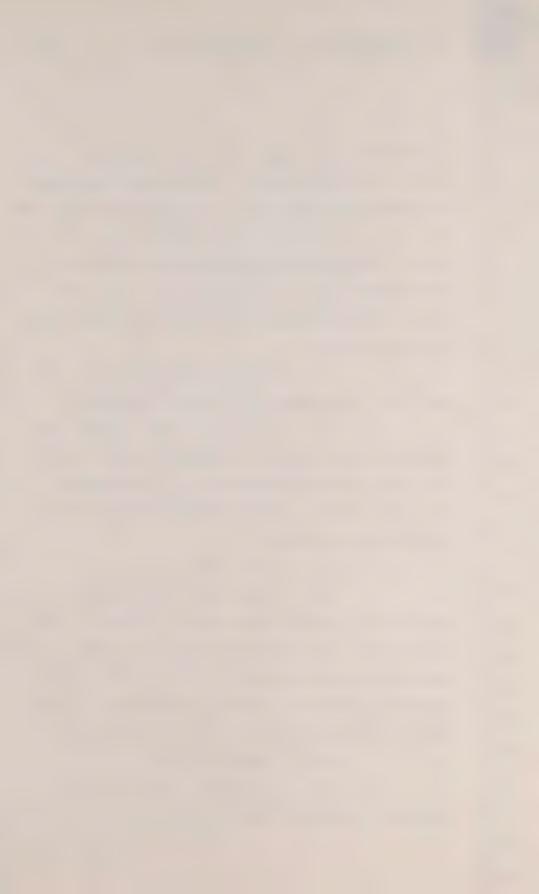
All right. There is one other piece of evidence which in fairness I think I should put to you. Phyllis Trayner, as you are probably aware, testified at the preliminary hearing as well; you were aware of that?

Yes, I was.

During the course of her evidence, and this is found, sir, at Volume 6, page 1209 to 1210 and in Volume 4 at page 763, she testified that she relieved Susan Nelles for her first coffee break from 10:55 p.m. to close to midnight. I take it that that does not accord with your recollection?

> Α. That's correct.

All right. After you had 0. finished or completed your own break where did you go?



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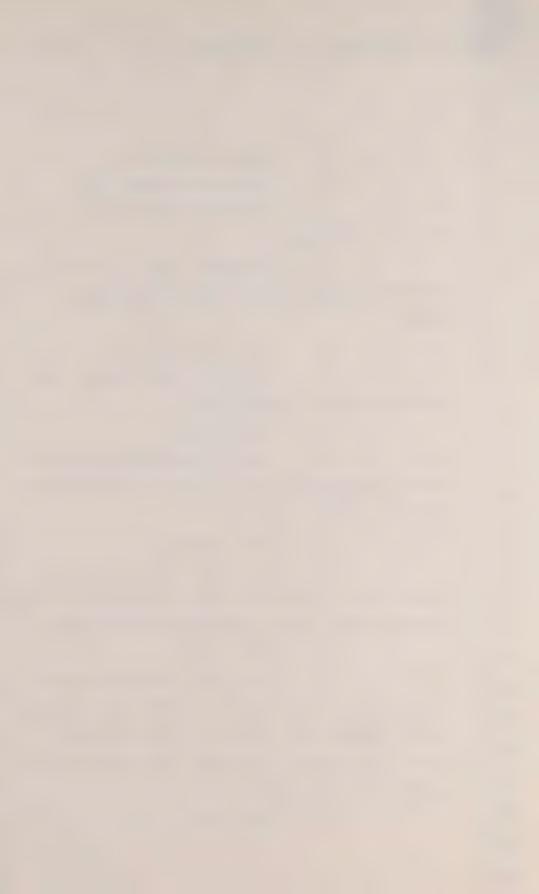
A. Back into Room 418.

Q. What were you doing then?

A. Starting to feed and do vital signs on my children.

Q. All right. And at that point was Phyllis Trayner in the room relieving Susan Nelles?

- A. I can't say for sure.
- Q. All right. Well, we know that Justin Cook was on constant care?
 - A. That's correct.
- Q. And if Susan Nelles was not in the room someone had to be relieving her and you feel that to be Phyllis Trayner?
 - A. That's correct.
- Q. All right. And you told me I thought that your best recollection is that she started to relieve Susan Nelles at approximately midnight?
 - A. That's right.
- Q. Does it not necessarily flow from that that if you were back in your room attending to your children after midnight in Room 418 that Phyllis Trayner should have been there relieving Susan, according to what you recall?
 - A. That's fair.



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	Q.		But	you	don't	have	a	clear
recollection	that	she	was	the	re?			

A. That's correct.

Q. Do you know how long Phyllis
Trayner relieved, as you recall it, Susan Nelles on
that coffee break?

A. I can't say for sure but approximately a half hour or more.

Q. Were any of your children due to be fed again starting at approximately midnight?

A. Yes, they were.

Q. All right. And did you commence feeding your own children at that point?

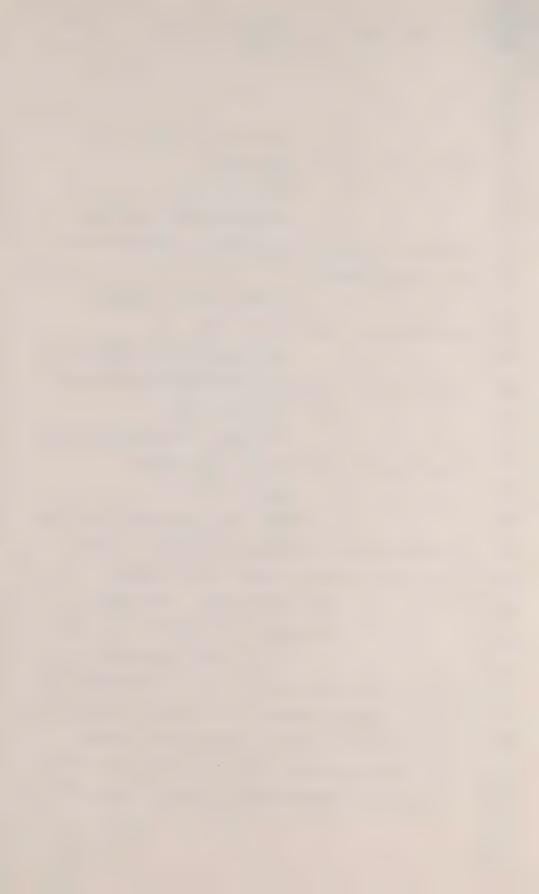
A. Yes, I did.

MS. CRONK: Mr. Registrar, could you show the witness please Exhibit 116 if you would please, that's Justin Cook's medical chart.

THE COMMISSIONER: What page?

MS. CRONK: I am sorry, sir, page 17.

Q. This is the Medication and Treatment Record for Justin Cook, Ms. Brownless. You have told me that between the period 8 o'clock to 11 o'clock that evening you did not observe anyone administering any medications to Justin Cook. You will see from the Medication Treatment Record that at



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12:00 midnight he is recorded as having received a dose of Inderal orally and that it was signed off by Susan Nelles. Do you see that?

> Α. Yes, I do.

Did vou observe Susan Nelles administer that medication or indeed any medication to the child at or about 12:00 midnight?

> Α. No, I don't.

Q. Did you observe Phyllis Trayner doing so when Susan Nelles was not in the room?

> Α. No, I didn't.

Q. Do you recall seeing anyone administer any medication to Justin Cook at or about 12:00 midnight?

No, I don't recall.

Q. Did you at any time after you had returned to the room from your first coffee break observe anyone feeding Justin Cook?

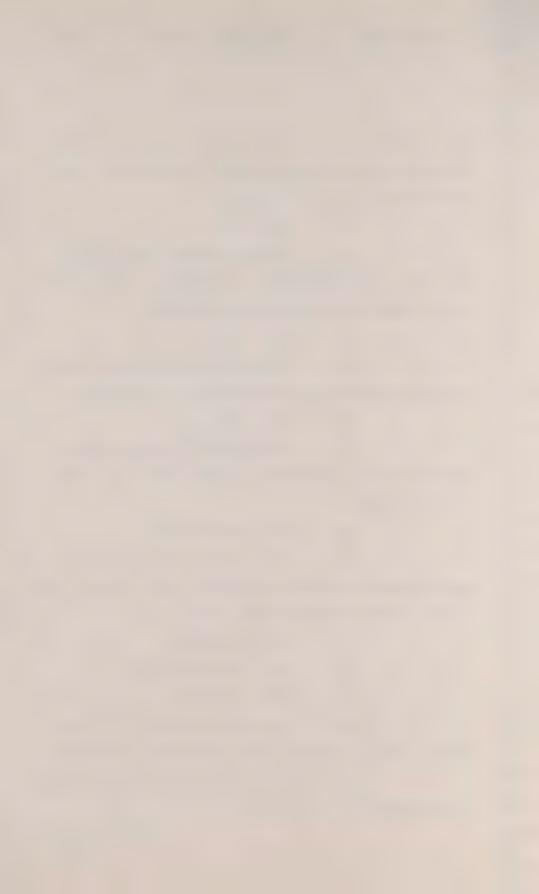
> Around midnight? Α.

0. Yes. After midnight.

After midnight. Α.

You told me after your first 0. break. Did you observe anyone feeding Justin Cook?

A. Phyllis, she was feeding Justin a clear fluid.



Q. Do you recall what time that was?

A. I can't say for sure.

Q. Do you recall how long it was when the feeding occurred, how long had you been in the room after your break?

A. I can't say for sure how long I was in the room.

Q. Was it a matter of hours, can you help me at all, was it two hours later, three hours later, 15 minutes later; do you have any idea?

A. It wasn't hours later, it was more like 15, 30 minutes later. I can't say for sure.

Q. That's after you had returned to the room having taken your first coffee break?

A. That's correct.

Q. And I believe you said she was feeding Justin Cook a clear fluid?

A. That's correct.

Q. What kind of feedings as you understood it was Justin Cook on that night?

A. I didn't know what kind of feedings he was to receive.

Q. Could I ask you to turn to page 28 of Justin Cook's medical chart. You have that, Ms. Brownless?



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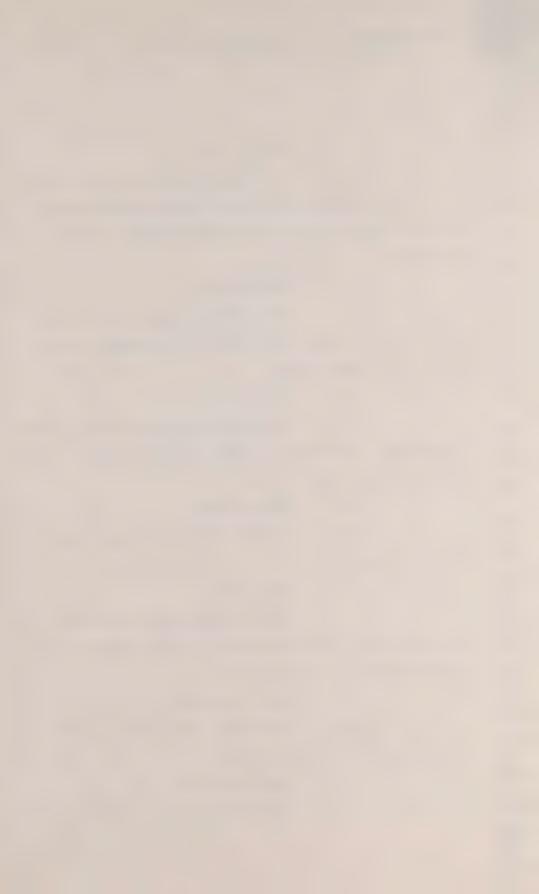
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- Α. Yes, I do.
- Q. I would refer you to the nursing note that appears to have been made by Susan Nelles for the hours 1900 to 3:00 in the morning. Do you see that?
 - Α. Yes, I do.
- 0. And particularly to the entry concerning nutrition very near to the bottom of the page; do you have that?
 - Yes, I do. Α.
- 0. It indicates that a child, that's Justin Cook, tolerated two feeds at 2030, that's 8:30 p.m., is that right?
 - Α. That's right.
 - 0. And at 2:30 a.m. respectively.

Do you see that?

- Α. Yes, I do.
- 0. That suggests that the child was fed at 8:30 p.m. in the evening and again at 2:30 in the morning. Is that fair?
 - That's correct. Α.
- 0. All right. And then it says respectively of - is that D5W?
 - That's right. Α.
 - Can you help as to what that is? Q.



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A. Sugar water.

Q. That would be a clear fluid that was being administered?

A. That's right.

Q. Could you turn now to page 15 if you would, please, of the chart?

A. What page?

Q. 15. This is a portion of the doctor's orders for Justin Cook, Ms. Brownless, they are dated March 21st, 1981. Is there anything there that helps us as to what feedings Justin Cook was on and when they were ordered to be given to him?

A. The top order.

Q. All right. And what is there there that is helpful in that regard?

A. It says Similac ad lib.

Q. What does ad lib mean?

A. As much as he would like to drink and as frequently as he would like to drink.

Q. Is Similac a baby formula?

A. Yes, it is.

Q. Do you know what colour it is,

what consistency it is?

A. It is a milky substance.

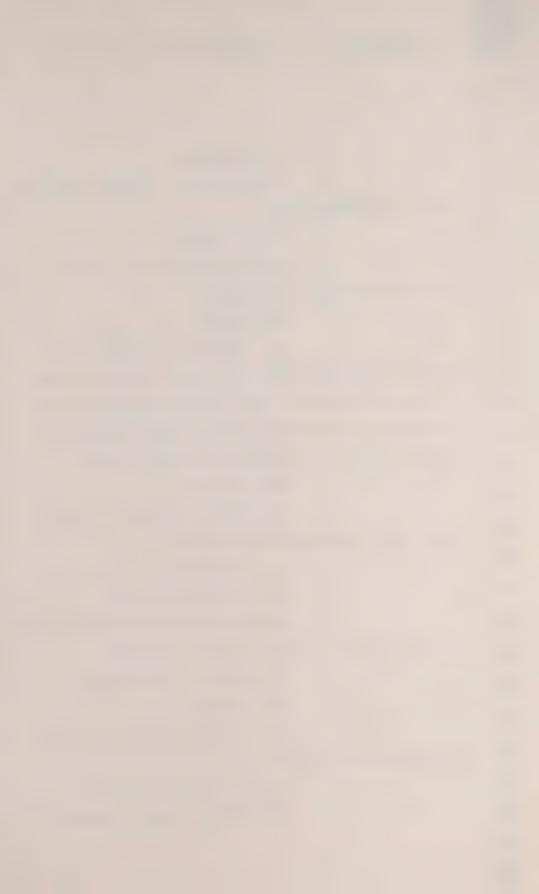
Q. And could you turn to page 14,

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please, which are also doctor's orders for Justin Cook.

Again, the first one and the bottom one are both dated

March 21st, the middle one is not dated. Is there

anything there that is of assistance to us with

respect to Justin Cook's feedings, when he was to be

fed or what he was to be fed?

THE COMMISSIONER: I think the middle one is dated, isn't it? Don't you see it on the right-hand side?

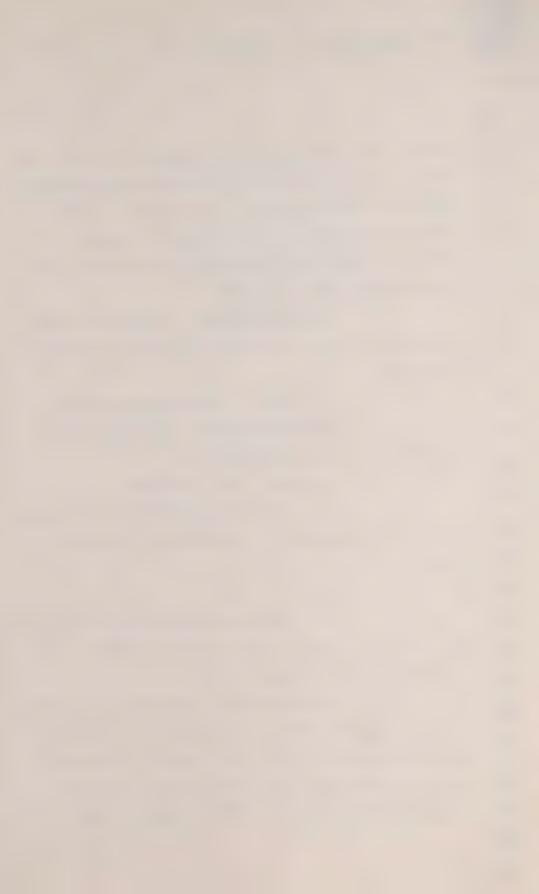
MS. CRONK: I am sorry sir, where?

THE COMMISSIONER: The middle one has
got 21/3/81 on the right-hand side.

MS. CRONK: Oh, I am sorry.

- Q. That is at 1500 hours, the middle one, and the bottom one at 1830 hours. Do you see that?
 - A. Yes, I do.
- Q. The three on page 15, unless I have missed it, do not appear to have a time on them, sir, although they do have a date.

My question, Ms. Brownless is, is there anything in those orders which appears to have been made, at least one of them at 3 o'clock in the afternoon and another at 6:30 in the evening? Is there anything there that helps us with respect to the



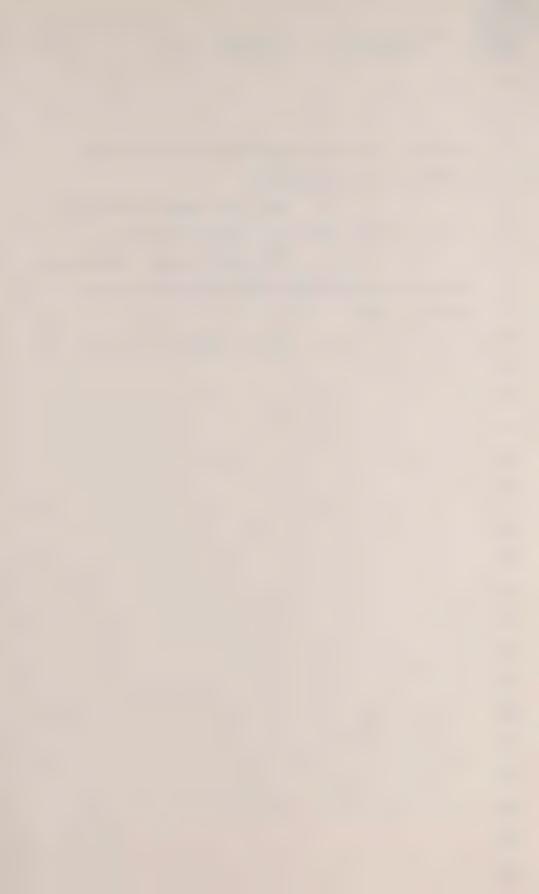
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feedings that Justin Cook was on or when he was supposed to have been fed?

The last order says that he is Α. to have clear fluids and to be NPO at 4:00.

All right. And I take it that Q. that means that he was not to be receiving oral feedings, NPO?

A. That's right.





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u	help	me	with	the	rest	of	that?			

- A. NPO 400 hours.
- Q. What does that mean to you?
- A. It means that the child should be NPO before 4 o'clock.
- Q. Is there anything on the page that tells us when he was to be fed before 4 o'clock in the morning?
 - A. No, there is not.
- Q. And it is your recollection,
 as I have understood you, that you saw Phyllis Trayner
 feeding Justin Cook after you returned to Room 418,
 and I think you said, and I don't want to mistake
 this, it was certainly less than an hour after you
 returned back to the room?
 - A. That is correct.
- Q. Would you agree with me that if the feedings that Justin Cook received are as recorded in the medical chart, it appears that he was fed at 8:30 in the evening and again at 2:30 in the morning?
 - A. According to Sue's note, yes.
- Q. There is no indication that he was fed between 12 midnight and 1 o'clock, at least





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on the basis of the nursing notes and the doctor's orders?

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A. That's correct.

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Room 418?

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Is it possible that the feeding that you observed was as early as 8:30 in the evening, just after you had come on shift and gone into

A. I don't think it would have been that early, no.

Q. Is it possible that it could have been at 2:30 in the morning?

> A. I can't say for sure.

There is a portion of Phyllis Trayner's evidence at the preliminary hearing, Ms. Brownless, and I would like to read this to you. So, it is Volume 4, starting at page 783, and the exchange was as follows:

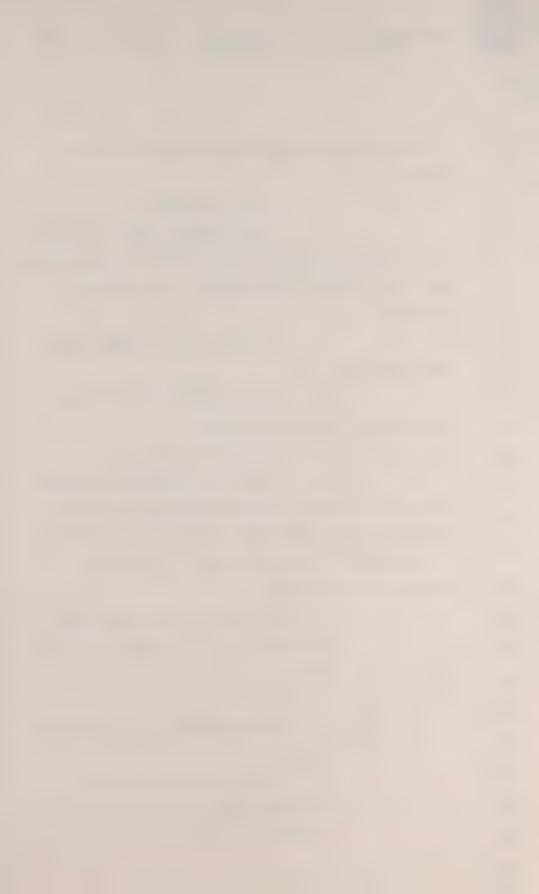
> "Q Now Susan you indicated took another break at 2 o'clock or thereabouts?

"A. Yes, she did.

"Q. Can you remember the time exactly that was?

"A. That was just before two.

Just before two, and what type of a break was that?



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"A. It was going to be her dinner break.

" O. Her dinner break?

"A. Yes.

"O. How long is the dinner break normally?

"A. About half an hour to 45 minutes. We don't count the minutes when we are working a 12-hour shift, you sit down when you can sit down and you take a break when you can take a break.

"Q. All right. And did she ask you to assist her in any way when she took this break? You had indicated earlier that you had relieved her on two occasions, this being one?

"A. Yes, this is the second one.

"Q. This is the second time?

"A. Yes, she was just finishing up doing Justin Cook's vital signs.

"O. Yes.

"A. Justin had a temperature.

" Q. Yes.

"A. His other signs were fairly



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"stable at that time but he was irritable and Susan thought maybe he was hungry so I said I would feed him for her if she wanted to go and have her dinner."

And then further at the bottom of the

page:

"Q. All right. How did you feed him?

"A. I fed him by bottle in my arms.

"Q. Where did you get the bottle?

"A. Susan handed me the bottle."

And then over on page 787:

"Q. When did you finish giving him the bottle, when did he complete it, what time?

"A. About twenty after two.

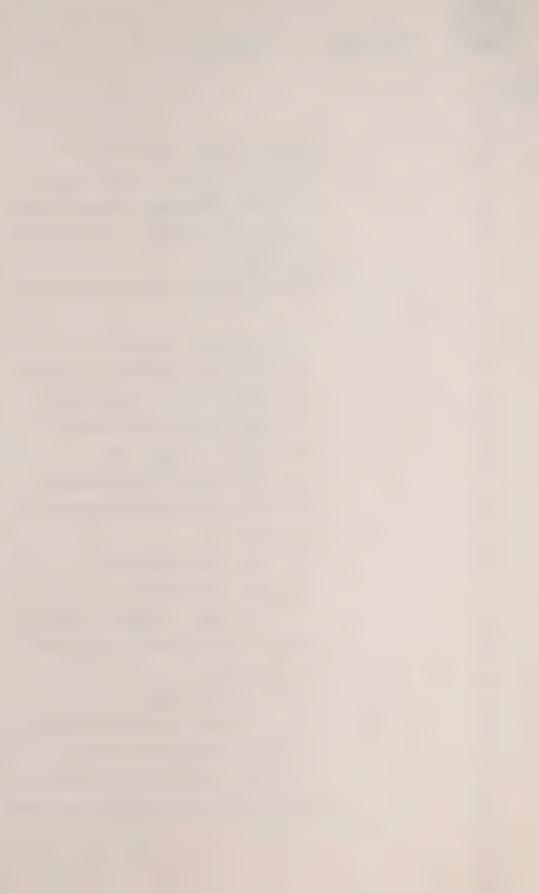
"Q. Twenty after two?

"A. 2:30, yeah, I cuddled him in my arms for a few minutes to make sure he was asleep."

And then further down:

"Q. All right. So he finished the bottle and then what happened?

"A. Then I cuddled him in my arms for a few minutes just held him in my arms



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"and then I put him down on the bed and gave him a soother.

"Q. Gave him what?

"A. Gave him the soother, I don't know what the other word is for it, pacifier, I put the oxygen hood on him and I sat there until Susan came back in.

"Q. What time would that have been?

"A. That was about another 10 to 15

minutes before she actually came in

to stay.

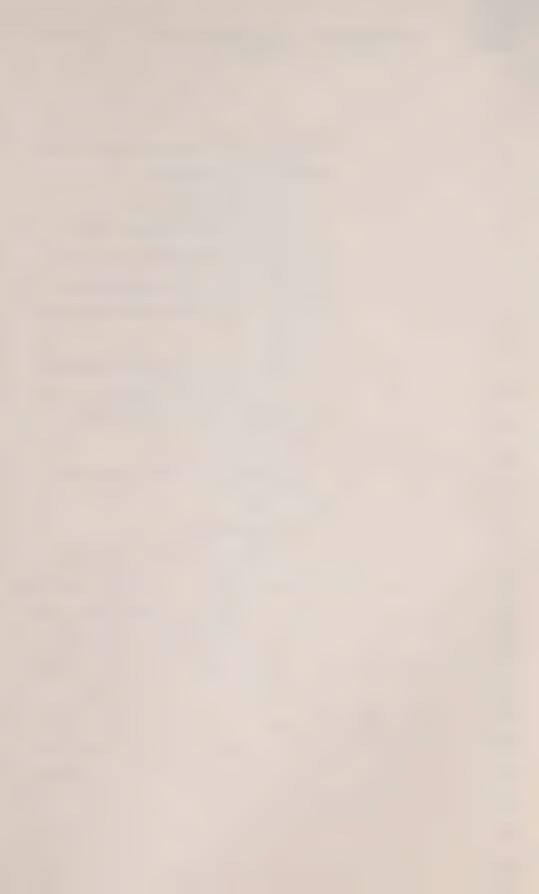
"Q. So that would have been what, 2:40, 2:45?

Now on the basis of that evidence,

"A. Approximately, yes."

Ms. Brownless, from Mrs. Trayner, it is her recollection and I can tell you that she did not testify that she fed the child at 8:30 in the evening. On the basis of her evidence she relieved Susan Nelles for a break,

as indicated, between 2 and 2:40 or 2:45 in the morning, and during that period she was asked and did in fact feed Justin Cook. Does that assist you at all in placing the time when you observed Phyllis Trayner feeding this child?



Before midnight.

I can only recall it being at

Do you know how long you took

No, I can't say for sure.

Did you go to the nursing

When did you take your own

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midnight.

A.

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your break?

the time?

A.

A.

Q.

Q.

supper break that evening?

station as was your habit?

Yes, it was. A.

And did you go that night, is that where you had your lunch or dinner break that night?

> That's right. A.

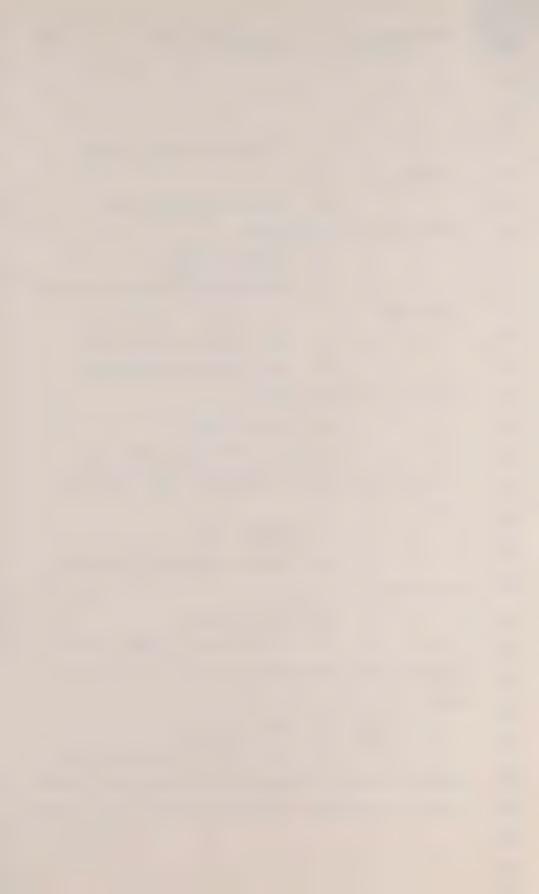
0. Do you recall who was there at

No, I don't. A.

Q. I refer you to page 2 of your personal notes concerning Justin Cook. Do you have that?

> Yes, I do. A.

And I am referring you to an entry on the side of the page in handwriting, and as I read it correctly, and please tell me if I am wrong,





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it says:

"Eat somewhere in here 1 a.m. to 2.a.m."

do you see that?

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Yes, I do.

0. Would it be fair of me to suggest that on the basis of the language in your notes you place your lunch or supper break an hour later than what you have suggested here?

That's correct.

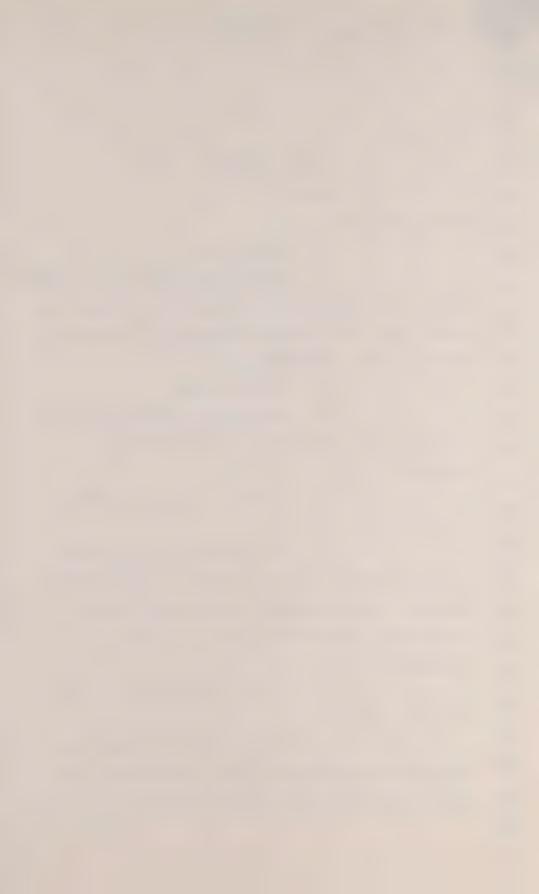
In your own mind are you clear now as to when you took your dinner break that evening?

I am not sure exactly when I took it.

You told us that you started your, the feeding of your children at approximately midnight, and we know that you had four children in that room. How long did it take to complete those feedings?

I can't say for sure how long A. it took.

Do you recall - I assume that during the course of those feedings once again you would have had to have been in and out of the room



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to obtain the necessary supplies?

A. That's correct.

Q During the course of the - well, I am sorry: do you recall whether or not you were in the room feeding any of your children between the hours of 1:30 and 2:30 in the morning?

A. Between 1:30 and 2:30?

Q. Yes.

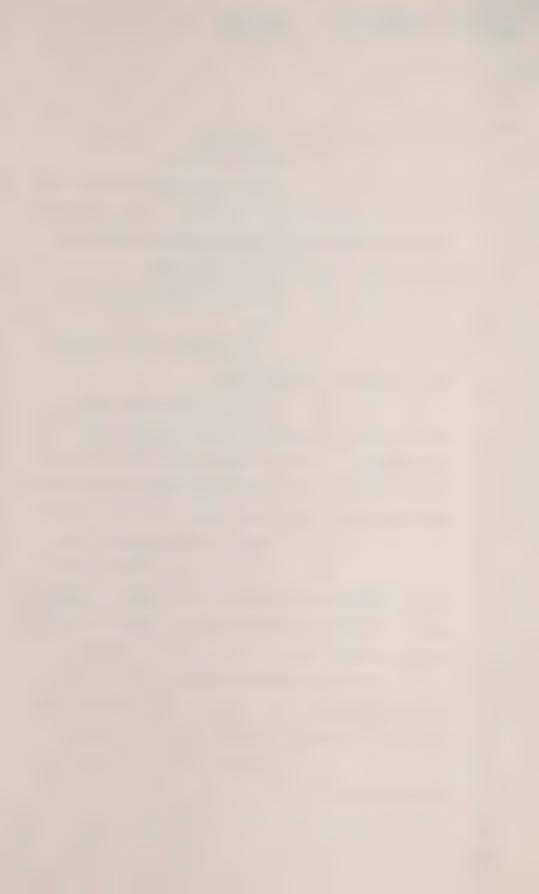
A. I can't recall, but reading this I did feed a child at two.

Q. You have told me you don't recall - you don't exactly recall when you took your supper break. I take it from that it would be fair of me to suggest that it was possible you were taking your supper break some time between 1:30 and 2:30?

A. There is a possibility, yes.

Q. We have heard evidence here from Ms. Bertha Bell, Ms. Brownless, that at approximately 2 o'clock in the morning she went to see Susan Nelles in Justin Cook's room, that she watched TV with her for about half an hour until 2:30 in the morning. Do you recall seeing Ms. Bell in Room 418 watching TV between 2 and 2:30 in the morning?

A. I don't recall if she was in there watching TV.



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midnight?

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room at	all	at	2	o'clock	that	morning	g?			

- A. I can't say for sure.
- Q. It is possible that she was?
- A. It is possible that she was.
- Q. You recall the TV being on after

A. I don't recall it being on after midnight, but I am not saying it wasn't.

Q. You do not recall yourself personally sitting down and watching the TV at any point?

A. That's correct.

Q. To the best of your current recollection, Ms. Brownless, when did you take your second coffee break that night; can you give me your best recollection with or without the benefit of your notes?

A Yes. I was just trying to think, it was around 3:30.

Q And what makes you think it was 3:30?

A. Between 3:30, by the time I finished my feedings, because I had one at two and went out approximately at three, three-thirty.



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Q. We know you had four patients in the room, had you in fact fed all patients personally before you took your break?

A. I can't say for sure if all of them were due to be fed, are they all required to be fed throughout the whole night.

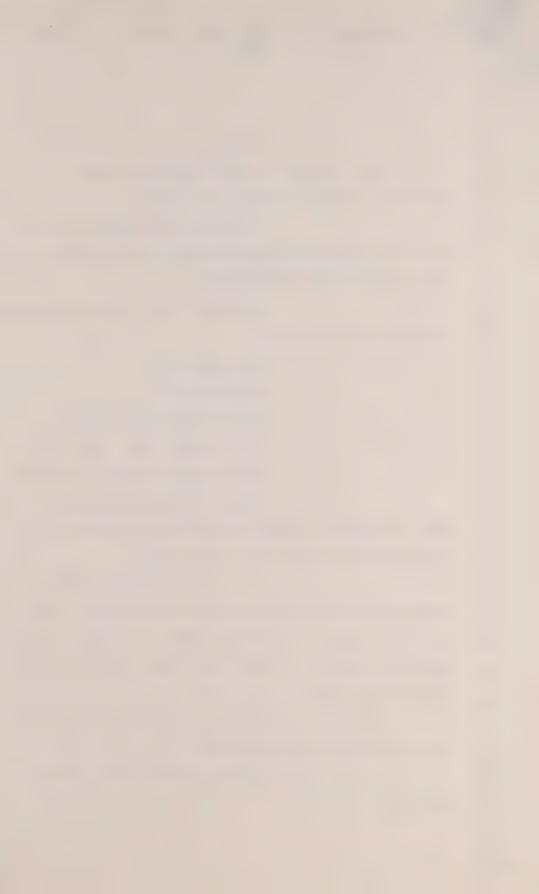
Q Did anyone else feed any of your children that evening?

- A. Yes, they did.
- Q. Who was that?
- A. Sue fed one of my children.
- Q. Do you recall when that was?
- A. Approximately around 3 o'clock.
- Q. And how did that come about, why would she be feeding one of your children if she was on constant care with Justin Cook?

A. The baby she fed was right beside Justin Cook, and the baby she fed was a very good feeder and she offered to feed the baby. So I said, all right. She was a good eater and she would eat in 15 minutes.

Q Were you in the room when Susan Nelles fed that child for you?

A. I can't say for sure, I don't think so.



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Q. Do you have a clear recollection that it was around 3 o'clock that Susan Nelles fed that child?

A. Fairly clear, yes.

Are you clear in your own mind today, as you sit here, that you took your second coffee break that night somewhere around 3:30 that night?

A. 3, 3:30, yes.

Q. Is it possible it was 3 o'clock?

A. There is a possibility, yes.

Do you recall seeing Susan Nelles start to feed one of your children before you took that second coffee break?

A. I can't say if I saw her starting to feed the child or not.

Q. What did you do when you took your second coffee break?

A. I went to the nursing station.

Q. Who was there at the time?

A I remember speaking to Lynn

Johnstone.

Q Do you recall anyone else being

present?

A. I think Bertha Bell.



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Q. Was Susan Nelles ther	e?
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A. I don't recall.

You see, we have heard evidence from another witness, Ms. Brownless, Ms. Johnstone, she testified that it was likely 3 a.m. that she arrived at the nursing station on Ward 4A, that shethere were a number of nurses including Susan Nelles, Bertha Bell, Marianna Christie and she had a coffee with them; this evidence, sir, is in Volume 104, page 3606 and following. She also testified that at that time she spoke to Susan Nelles about Justin Cook's condition for about five or ten minutes and that she had a clear recollection of doing so; and that Susan Nelles then went back to Justin Cook's room and Phyllis Trayner came from that direction into the nursing station. Do you recall being in Room 418 with Phyllis Trayner when Susan Nelles was not there any time between 2:30 and 3:30 that morning?

> A. I can't say.

One way or the other?

One way or the other. -

Do you recall passing by the room at any point and seeing Phyllis Trayner in the room, even though you might not have been there between 2:30 and 3:30?



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A. I can't say.

Q. Do I have it that your best recollection is when you took your second coffee break and went to the nursing station you do not recall one way or the other whether Susan Nelles was there?

A. That's right.

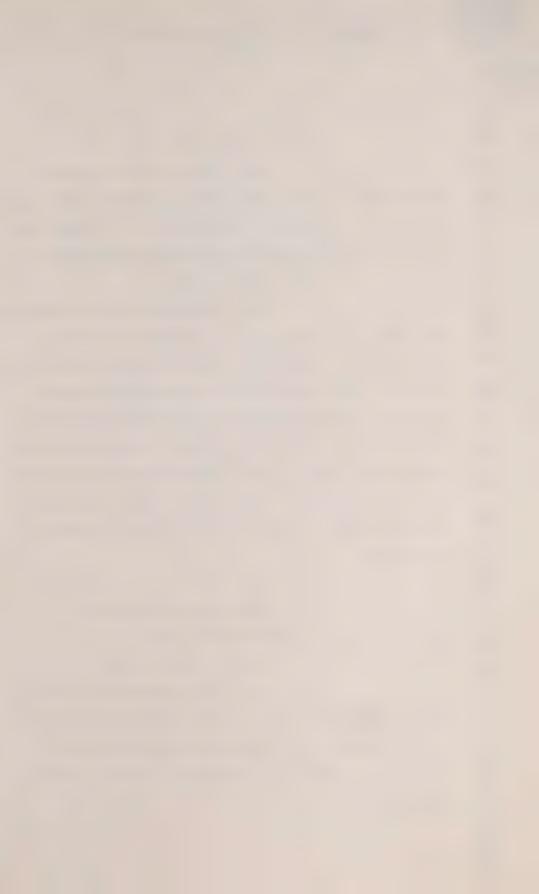
Q. Mrs. Johnstone further testified at Volume 104, that when she arrived on the ward and she said it was likely three in the morning, and observed those other people in the nursing station and had a coffee with them, she was told that Phyllis Trayner was relieving Susan Nelles. Do you have any clear recollection in your mind of when Susan Nelles was relieved for her second coffee break that night, other than what I read to you from Phyllis Trayner's testimony?

A. No, I don't.

Q. How long were you out of Room 418 for your second coffee break?

A. I can't say for sure.

Q. You recall being interviewed by Messrs. McGee and Wiley, the two Crown Attorneys who were involved in the preliminary hearing of Susan Nelles, that interview took place I suggest December the 2nd, 1981?





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Q. Do you recall that? Do you recall suggesting to them at the time that you took your second coffee break, you were out of the room for approximately 10 or 15 minutes, do you recall saying that?

A. Can I look at the statement?

Q. Do you have a copy of the statement there?

MR. OLAH: I have a copy here but it is a marked-up copy.

MS. CRONK: Q I do take it you recall being interviewed by Messrs. McGee and Wiley on that date?

A. Yes.

Q. I am suggesting to you that you are recorded as having told them at that interview that when you took your second coffee break and left Room 418, that you were gone for 10 or 15 minutes.

Would you take a minute and look through the statement and tell me if you recall saying that?

MR. PERCIVAL: This was also in the March 25th statement as well, Miss Cronk.

MS. CRONK: Thank you.

Do you recall having said that



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to Mr. McGee and Mr. Wiley?

A. Yes, I do.

MR. BROWN: I am sorry, Miss Cronk,

did you say 10 to 15 minutes or 5 to 10 minutes?

MR. OLAH: It is 5 to 10.

THE COMMISSIONER: 5 or 10.

MR. OLAH: 5 or 10. Yes, as my friend

Mr. Percival points out on the other ones it is 10 to 15.

THE COMMISSIONER: 10 to 15?

MS. CRONK: 10 to 15, sir.

THE COMMISSIONER: I see. All right.

MS. CRONK: Q. Do you recall, and I ask you this question again, Ms. Brownless, now that you have had the opportunity of reviewing that statement. Do you recall seeing Susan Nelles at the nursing station at the same time as you were taking your second coffee break?

A. I can't say for sure if she was there or not.

Q. You don't recall one way or

A. No.

Q Do you remember being interviewed again by representatives of the Metropolitan Toronto
Police on the 9th of November, 1982; we talked about





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this interview earlier today?

A. That's right.

Q Do you recall telling them at that time that you were at the nursing station with Lynn Johnstone and Bertha Bell discussing some sewing and that Susan Nelles was also there, do you recall saying that?

A. I don't recall saying that but I must have.

Q. Do you recall one way or the other whether Susan Nelles was at the nursing station when you took your second coffee break?

A. I can't say for sure.

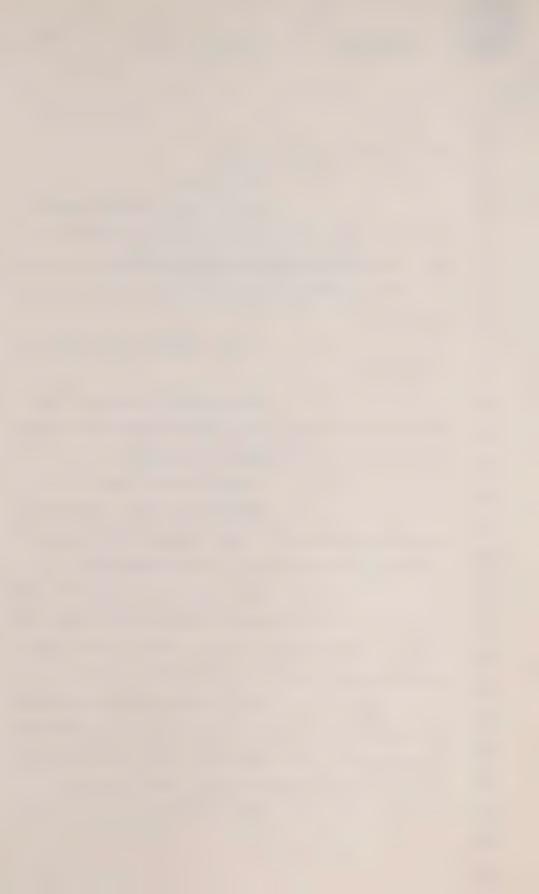
According to your recollection what happened next after you arrived at the nursing station and were speaking to Lynn Johnstone?

A. Sue called out for Phyllis and Lynn, Phyllis and I went into the room and Justin was having a blue spell and I took Jardina off of Sue's shoulder and we settled her back in the bed.

Q. Can we stop there for a moment.

Do I have it correctly that as you recall it you were at the nursing station talking to Lynn Johnstone when you heard Susan Nelles call out from Room 418?

A. That's correct.





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O. Do I have it correctly that it is your recollection that Phyllis Trayner was there at the same time?

A. That's correct.

O. What do you recall Susan Nelles calling about?

- A. She called for Phyllis.
- O. By name?
- A. Yes.
- Q. All right. And you then recall going with Phyllis Trayner and Lynn Johnstone into Room 418?
 - A. That's correct.
- O. Mrs. Johnstone has testified, and this is found at Volume 104, concerning her recollection of what happened at the nursing station that night,

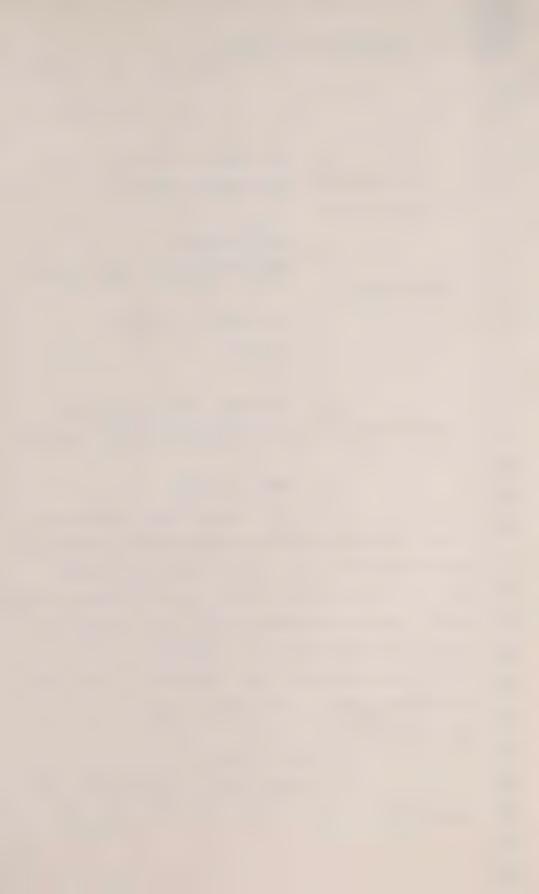
 Ms. Brownless. She has testified that when Susan Nelles called out Phyllis Trayner and she were at the nursing station and went together with Bertha Bell into Room

 418 and that you were in Room 418 feeding a child with the bottle. Itake it that that does not accord with your recollection?
 - A. No, it doesn't.
- Ω . That is found, sir, at page 3609, Volume 104.

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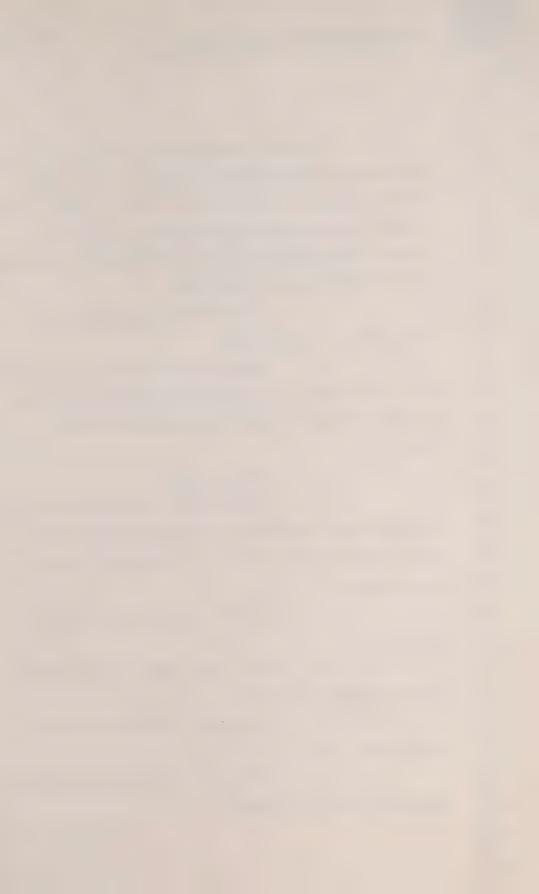




Do you recall at any time that night,
let's take it from midnight because we have talked
before midnight, do you recall at any time from
midnight until you heard Susan Nelles calling out
Phyllis' name observing anyone administering a medication to Justin Cook of any kind?

A. I didn't see any medications being given to Justin Cook.

- O. Nor can you help me as to whether or not you were in the room with Phyllis Trayner during that time period when Susan Nelles was not there?
 - A. That's correct.
- O. Do you recall distinctly in your own mind that you were at the nursing station when Susan Nelles called out or is it possible that you are mistaken?
- A. I recall being at the nursing station.
- Ω. All right. What did you do when you heard her call out?
- A. I went with Phyllis and Lynn to the room, 418.
- Q. All right. And what was happening when you entered the room?



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- A. Sue was standing at Justin Cook's bedside and Justin was having a blue spell.
 - Ω . All right, and what happened

A. Sue was holding Jardina and

I took her off her shoulder and settled her into her

crib and moved her crib out of the way so that people

could get around the bed.

O. Who was Jardina, was that one of your four patients?

A. That's correct.

O. What else happened, do you recall what happened next?

A. I wasn't needed in the room so
I left the room and said I would be at the desk
available if they needed anything.

O. Do you recall a Code 23 being

A. I recall it being called but I didn't call it.

Do you recall who did?

A. Bertha Bell.

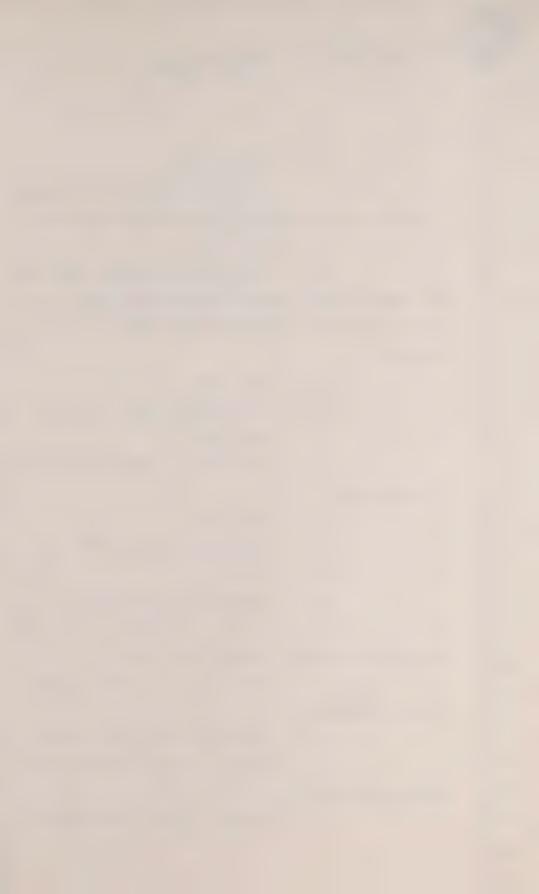
O. All right. Do you recall

whether or not someone brought Justin Cook's medical chart into the room?



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	Α.	I can't say.
	Ω.	I would ask you to look at page
3 of your perso	nal no	otes, please. Do you have that?
	Α.	Yes, I do.
	Q.	It appears to indicate that you
got Justin Cook	's med	dical record and brought it with
you to the room	ı, I ta	ake that to be Room 418. Do you
see that?		
	Α.	Yes, I do.
	Ω.	Do you recall having done so?
	A.	Yes, I do.
	Ω.	Do you recall having heard a Code
25 being called	l?	
	Α.	Yes, I do.
	Ω.	Who called the Code 25?
	Α.	I did.
	Ω.	How did that come about?
	A.	I was at the nursing station and
I was asked to	call	a Code 25 and I did.
	Ω.	What did you do after you had
called the Code	25?	
	A.	I proceeded to go back to 418.
	Ω.	And what did you do once you wer
back in the roo	om?	
	Α.	I asked if they needed anything.



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A. And everything looked like it was under control. So, I went back out and I was asked by Lynn Johnstone to call two other supervisors.

- O. Nursing supervisors?
- A. That's correct.
- Q. And did you do so?
- A. Yes, I did. Well, I paged them.
- O. Did you have any other involvement in the resuscitation or in the arrest of Justin
 - A. No, I didn't.
 - Q. Were you in Room 418 when Dr.

Kantak arrived?

Cook?

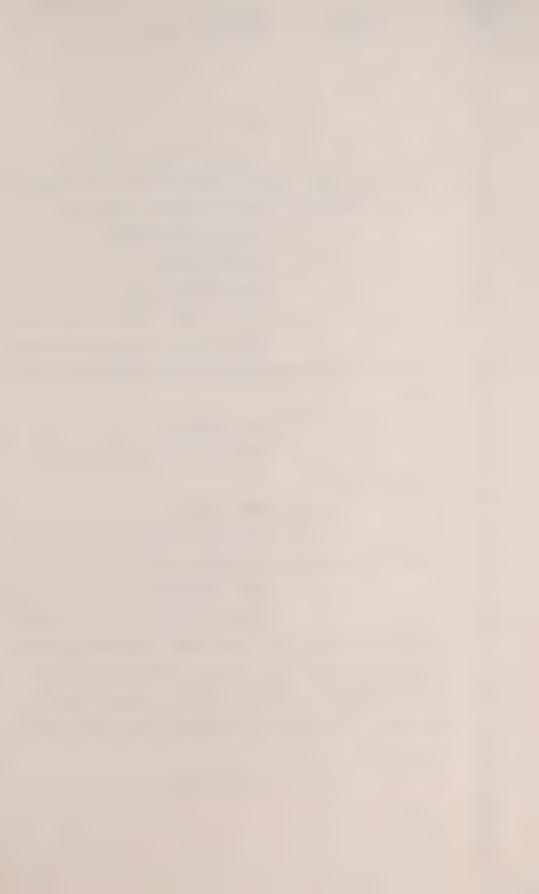
A. Yes, I was.

O. And did he arrive in response to the Code 23 which was called by Ms. Bell?

A. That's correct.

O. At any time prior to Dr. Kantak arriving, from the time that Susan Nelles called out Phyllis Trayner's name at the nursing station and the time that Dr. Kantak arrived, I take it from what you have said that you were in and out of Room 418 at least twice?

A. That's right.



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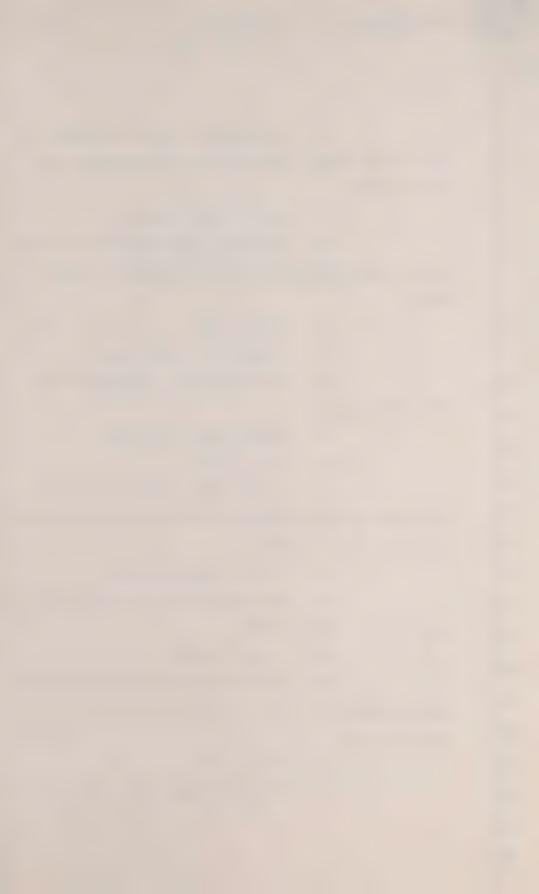
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	Ω.	On either of those occasions	di
you observe	anyone	administering any medication to	
Justin Cook	?		

- A. No, I didn't see it.
- Q. When Dr. Kantak arrived, did you observe him administering any medication to Justin Cook?
 - A. Yes, I did.
 - Q. What did he give him?
- A. The medication that was at the end of the bed.
 - Q. Did you see him do so?
 - A. Yes, I did.
- O. Did you see whether or not he used what was in the ampule at the foot of the bed or did he use the syringe?
 - A. I can't say for sure.
- Ω . Did you see him give any other medication to Justin Cook?
 - A. I can't recall.
- O. After Justin Cook was pronounced dead, Ms.Brownless, did you have any reason to go back into his room?
 - A. Yes, I did.
 - O. Had you stayed there from the time

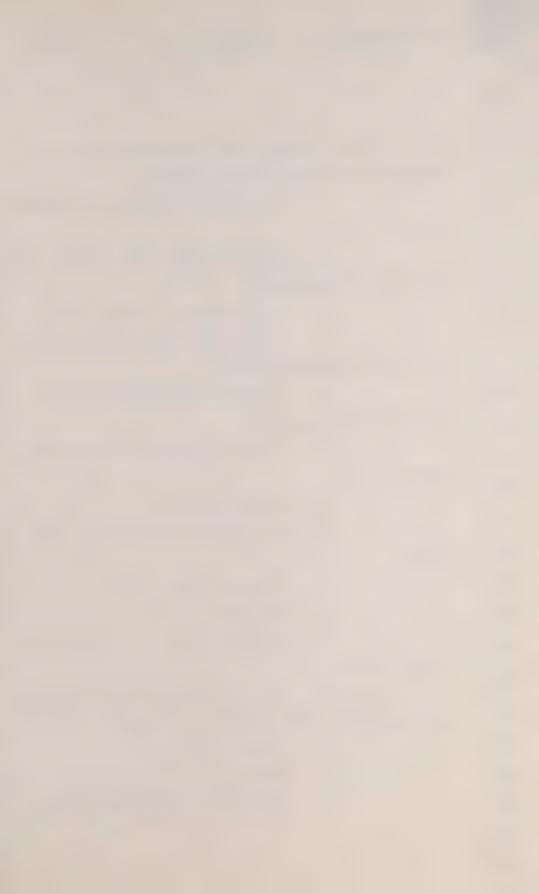


Brownless

dr. ex. (Cronk)

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1 2 that Dr. Kantak arrived until the completion of the 3 resuscitation or had you left again? Α. I had left to check the children 4 on 4A. 5 0. Did you return again before the 6 end of the resuscitation? 7 I can't say if I did or not. 8 0. What do you recall doing after 9 he had been pronounced dead? I helped Sue clean up Justin 10 Α. until she was called away. 11 You are referring now to Susan 0. 12 Nelles? 13 That's correct. A. 14 0. And was she called away at some 15 point? 16 Yes, she was. A. By whom? 0. 17 By Dr. Jedeikin to write up the 18 nursing notes. 19 0. Do you recall having had any other 20 involvement after he was pronounced dead? 21 Α. Yes, I did. 22 What did you do? Ω. 23 A. Roy Jedeikin came back in the 24 25



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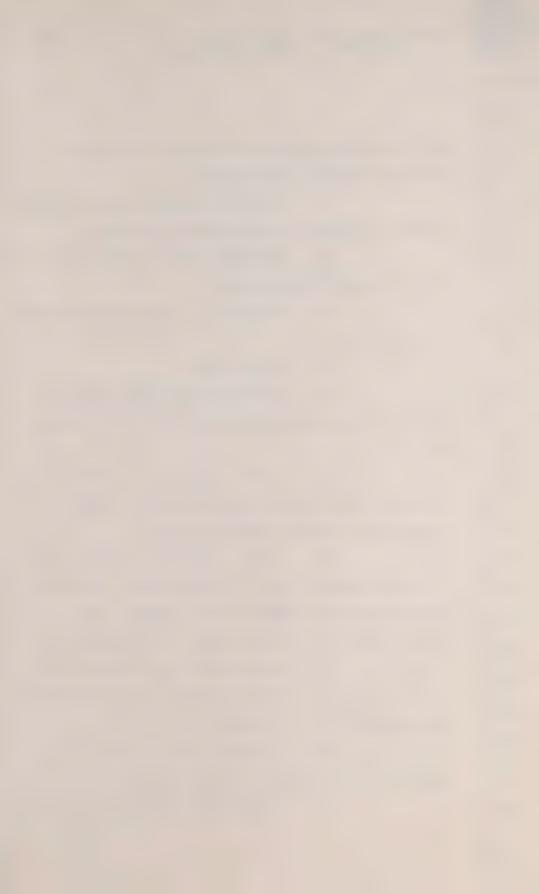
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room	and	las	sked	me	to	get	a	syringe	and	a	needle
becau	ise	he	want	ted	blo	ood :	san	mples.			

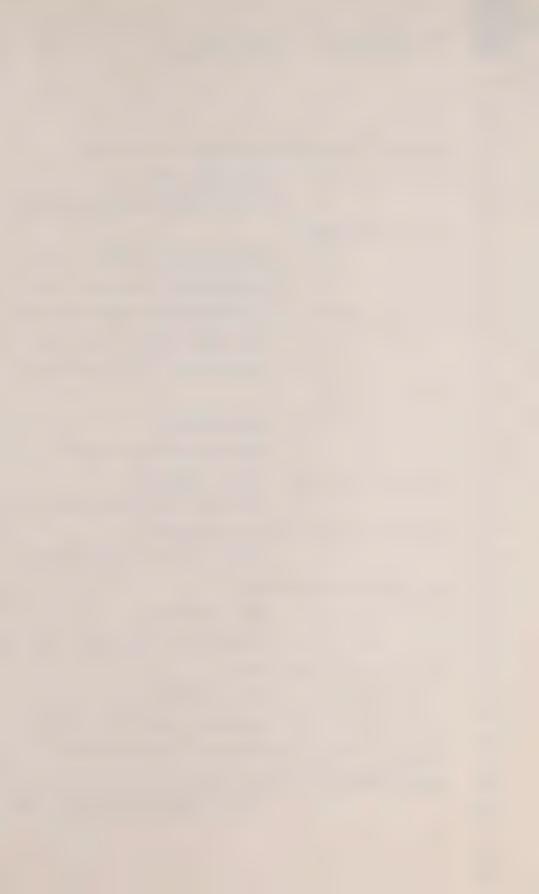
- O. Did Dr. Jedeikin tell you why he wanted to draw:up a blood sample or samples?
- A. He didn't tell me what they were for and I didn't question him.
- Ω . Were you in Room 418 when he made the request of you?
 - A. Yes, I was.
- O. Did he ask you specifically or did he tell you specifically what kind of syringe to get?
- A. I can't recall but reading over my notes it said that he wanted a 20 cc. syringe but I can't say if that's for sure or not.
- O. Could I ask you to look at page 3 of your personal notes at the bottom of the page. There is reference there to being asked to get a 20 cc. syringe, is that what you are referring to?
 - A. That's what I am referring to.
- O. And is it your recollection that you did get a 20 cc. syringe?
- A. If that's what he asked for, that's what I got him but I can't recall for sure.
 - Q. Well, do you remember whether you



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took one or more than one back into the room?							
A. I took more	e than one.						
Q. Do you rec	all whether they were						
all the same size?							
A. I can't sa	y for sure.						
Ω. Did you se	e Dr. Jedeikin taking						
any blood specimens when you went back into the room?							
A. I saw him	take the blood, yes.						
Q. And from w	here did he take the						
blood?							
A. From the c	hest.						
Ω. Did you se	e him do anything						
else, take any other kind of sp	ecimens?						
A. I saw him	go in the garbage and						
take the I.V. bag out and the t	ubing.						
Ω . Was that t	he I.V. bag that had						
been used for Justin Cook?							
A. That's cor	rect.						
Ω . And the I.	V. tubing, that had						
been used for Justin Cook?							
A. That's cor	rect.						
Q. Was there	anyone else in the						
room other than yourself and Dr	. Jedeikin while						
these samples were being taken?							

A. I don't think so but I can't say



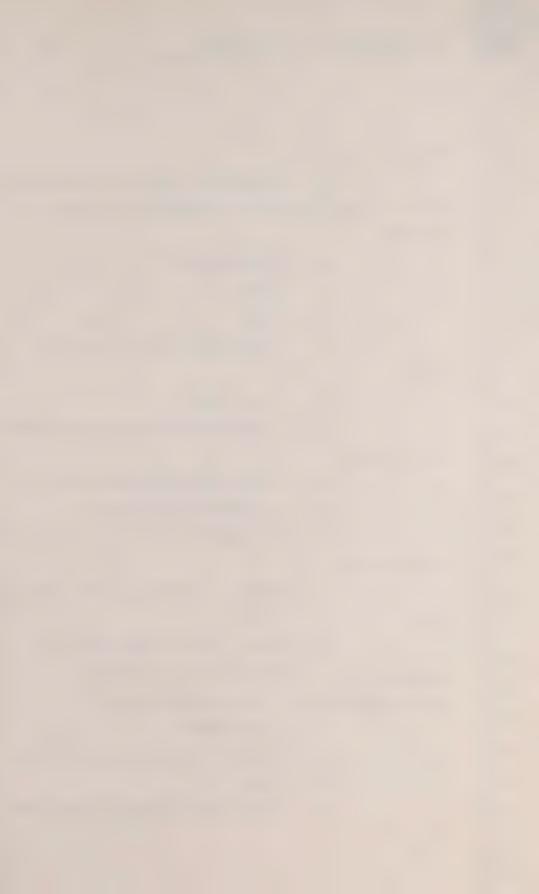
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for sure.		
	Ω.	Do you have a distinct recollec-
tion of having	obser	ved Dr. Jedeikin take those
samples?		
	Α.	Of the blood?
	Q.	Yes.
	Α.	Yes.
	Q.	Do you know how much blood he
took?		
	Α.	No, I don't.
	Q.	Had you ever seen blood specimens
taken before?		
	Α.	Blood specimens taken before?
	Ω.	In those circumstances.
	THE CO	DMMISSIONER: How much did you say
he had taken?		
	THE WI	ITNESS: I wasn't sure how much he
took.		
	MS. CF	RONK: Had you ever seen blood
specimens being	taken	n in those circumstances
previously, tha	t is,	after a child had died?
	Α.	No, I hadn't.
	Ω.	Would you regard that as unusual?
	Α.	Yes.
	Q.	Did you ask him why he was doing



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Α.	No,	I	didn'	t	question	him
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O. I am obliged to ask you why you didn't ask him. Were you not curious as to what he was doing and why?

A. I didn't feel it was my place to question him, so, I didn't.

O. Did you observe Dr. Fowler in the room while these samples were being taken or shortly thereafter?

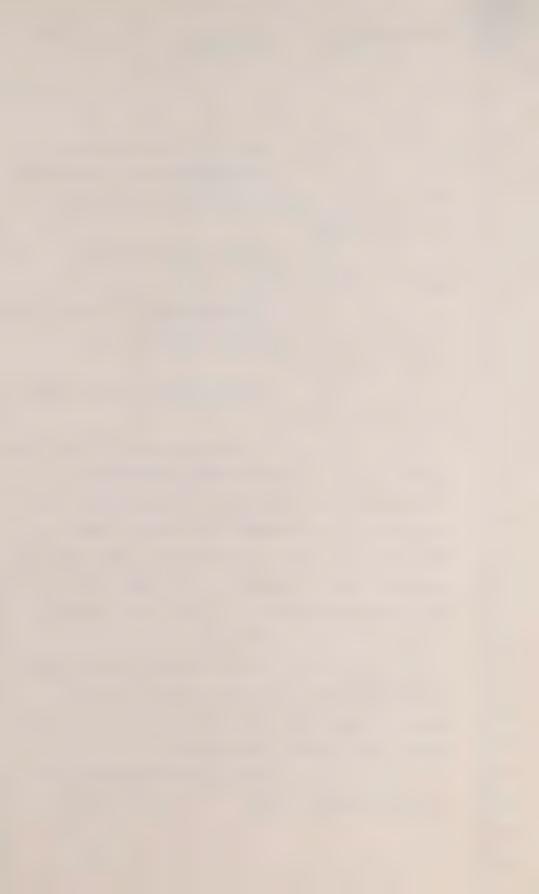
A. I don't recall seeing Dr. Fowler that night at all.

O. At any point prior to Susan Nelles calling out for Phyllis Trayner from Room 418, and Ms. Brownless, you have told us that you were in and out of Room 418 on a number of occasions, that you had patients to feed and that you fed those that had to be fed with the exception of one whom you recall was fed by Susan Nelles. Is that a fair summary?

A. That's right.

Ω. Do you recall at any point that evening prior to Susan Nelles calling out for Phyllis Trayner having observed yourself that Justin Cook's condition had deteriorated?

A. Prior to her calling out. No, I hadn't observed at all.



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		Ω . V	ere	you 1	told at	any	time,	whethe
by	Susan	Nelles or any	one	else	, prior	to h	ner cal	lling
out	that	Cook appeared	to	be in	n diffic	culty	7?	

I don't recall that conversa-Α. tion or anyone saying that to me.

0. All right. At some point that evening, that is, the night that Justin Cook died, did you learn that the digoxin on the ward had been ordered to be locked up?

A. Yes, I had learned that it had to be locked up.

- When did you learn that? 0.
- A. I think it was before midnight.
- 0. What makes you think it was

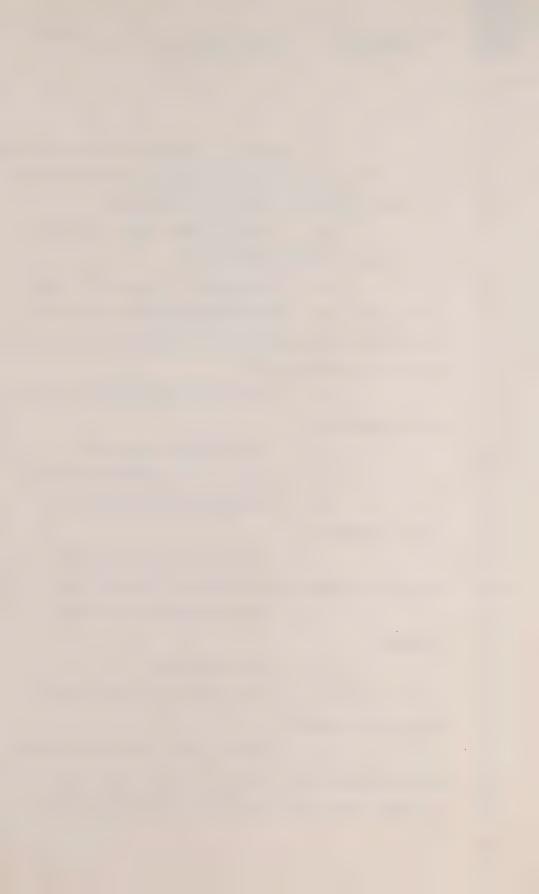
before midnight?

Α. Because I remember Sue was watching Gone With the Wind and it was just over.

0. And that had been on before midnight?

- A. That's correct.
- And how did you learn that it Ω. was to be locked up?

A. I was in Room 418 with Sue and yllis came in and said something, I don't recall at she said, and Sue said go find out why she is



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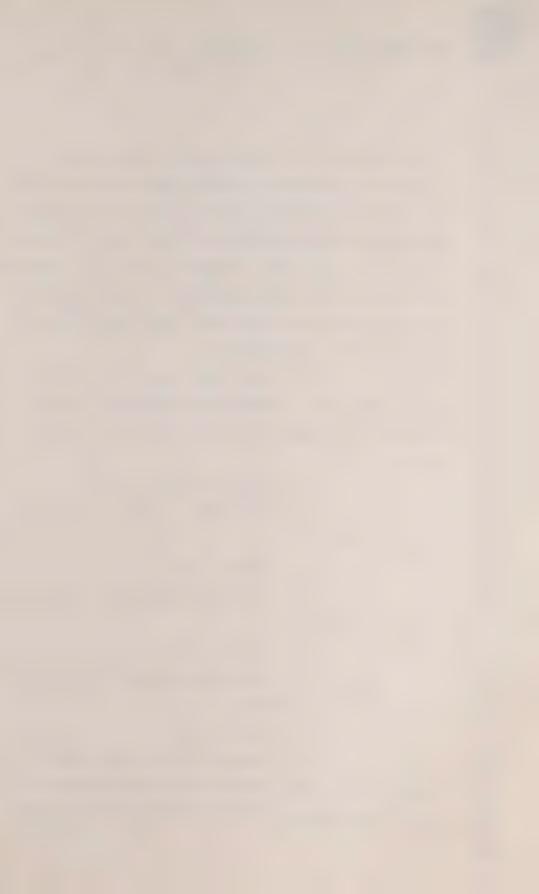
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in such a flap, so I went and left the room and talked to Bertha and Sue at the front desk and asked them what was going on and they said that basically they didn't tell me anything, it was none of my business, and I said, well, it wasn't me who was inquiring Sue wants to know what's going on. I don't know what she was referring to and I said, just, could you go and talk to Sue and they did.

- 0. All right. Can we stop there for a moment. As I understand it, you were in Room 418 and Mrs. Trayner came in and spoke with Susan Nelles.
 - Α. That's correct.
 - O. All right. I take it then Mrs.

Trayner left?

- Α. That's right.
- And do you recall that happening 0. before midnight?
 - That's correct.
- 0. You have suggested it was at the end of Gone with the Wind.
 - That's right. A.
- 0. And at that point Ms. Nelles asked you to go and find out what was of concern to Mrs. Trayner, why she was in, you suggested, a flap.



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That's correct.

0. And you then went to the nursing station and spoke - I thought you said with Sue and Bertha.

> A. Phyllis and Bertha.

All right. You weren't told what 0. the problem was or what the concern was but you asked them to come and speak to Susan. Do I have it correct so far?

That's correct.

0. And then what did you do?

I can't say for sure, but I probably went back into Room 418.

0. Did Mrs. Trayner and Mrs. Bell or either of them come into the room as you had asked them to do to speak to Ms. Nelles?

> Α. Yes, they did.

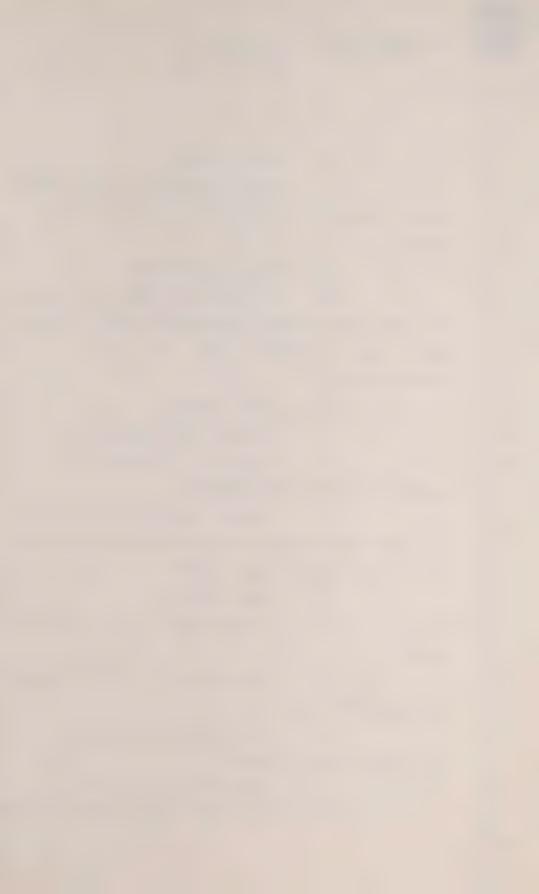
0. Did they speak to you at the same

I don't recall; I can't remember Α. the conversation.

Q. Do you remember any of the discussion with Ms. Nelles?

A. No, I don't.

All right. I am somewhat confused. Ω.



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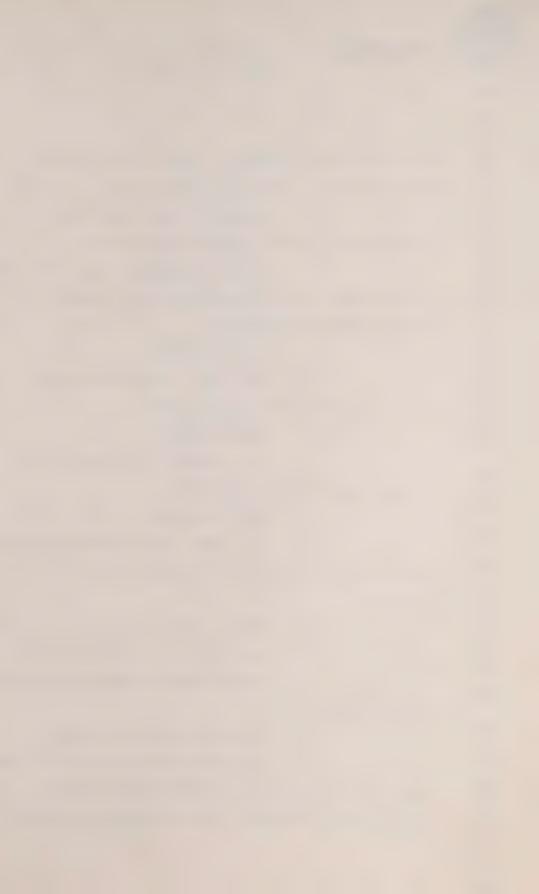
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Can you tell me then when it was that you learned that the digoxin was to be locked up?

A. I think it was after their conversation; I don't remember who told me.

 Ω . Are you suggesting that they came into the room and had a discussion but you don't recall whether you heard it?

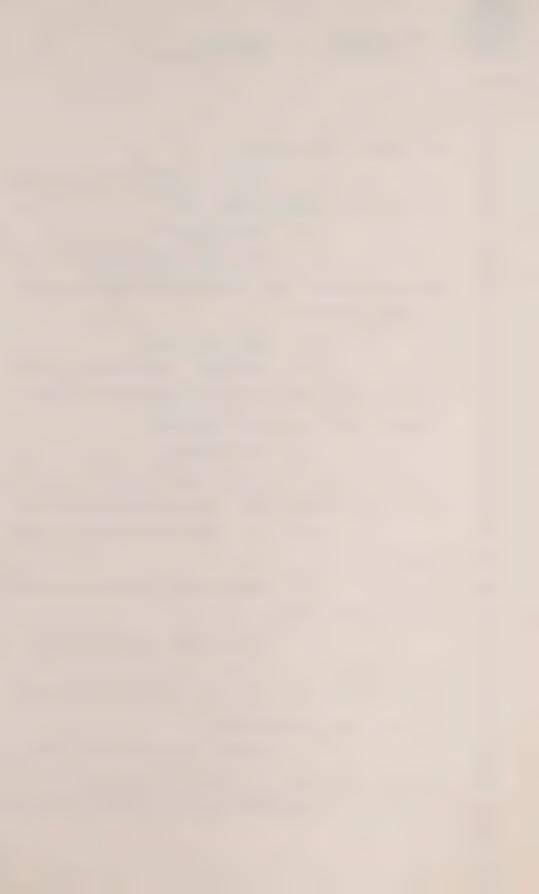
- Α. That's correct.
- All right. Obviously then you 0. don't recall what the discussion was.
 - That's right. A .
- So, you can't tell me that it related to the lockup of digoxin.
 - That's correct.
- All right. Was it some point after that that you learned that the digoxin was to be locked up?
 - Α. That's right.
 - And how did you learn it then? 0.
- A. Because Phyllis asked Sue to lock up the digoxin.
 - Where did that take place?
- We were in 418 and Sue was on her way out for her break and Phyllis handed Sue the keys and said, could you lock up the dig. and that's



tne	Ilrst	I	heard	about	it.

- Ω. Was Mrs. Trayner relieving Susan Nelles for her break at that time?
 - A. That's correct.
- Ω_{\star} Is it your recollection that that discussion as well took place before midnight or was it after midnight?
 - A. Around midnight.
- Ω . All right. And you have told us earlier that you think that is when Phyllis Trayner relieved Susan Nelles for her break?
 - A. That's correct.
- Ω. Do you recall now which digoxin, which form of digoxin Mrs. Trayner was referring to?
- A. No, I don't know. She just said digoxin.
- Ω . What was your impression of what she was talking about?
- A. The dig.that was in the med room.
- Q. All right. And what would that have been on a normal night?
- A. To me, I didn't know what they kept in there, I just knew about the elixir.

THE COMMISSIONER: I'm sorry, I must have



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missed it. You say Phyllis Trayner asked someone, was it you, to lock up the digoxin?

THE WITNESS: No, Sue Nelles.

THE COMMISSIONER: Oh, I see. You

heard that, did you?

the dig.

well --

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THE WITNESS: Yes, I did.

And what was Ms. Nelles' response?

A. I don't recall what her response was. She left the room and I presume locked up

O. I believe you mentioned that you as

THE COMMISSIONER: Whenever it is a convenient time.

MS. CRONK: Could I just pursue this one matter, sir?

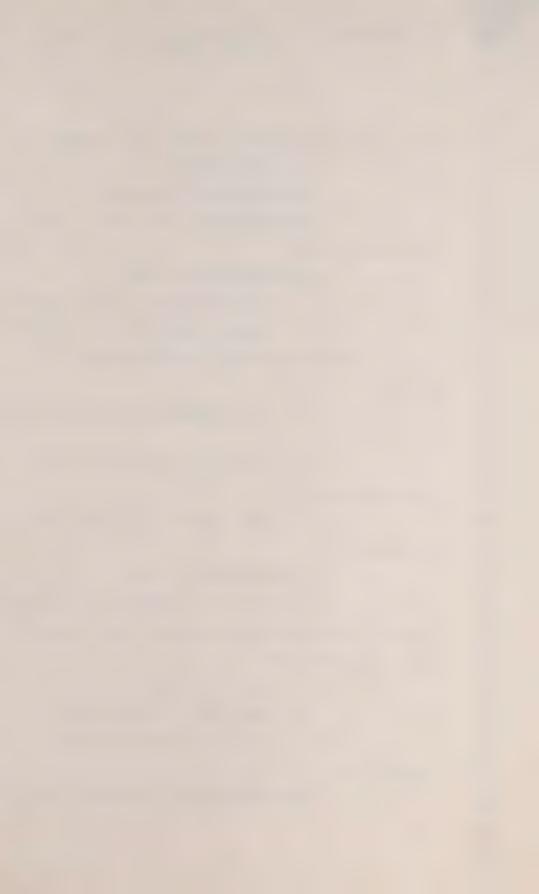
THE COMMISSIONER: Yes.

MS. CRONK: O. I believe you mentioned that you saw at the same time an exchange of keys, do I have that correctly?

- A. That's correct.
- 0. What exactly did you see?
- A. I saw Phyllis hand Sue the

narcotic keys.

THE COMMISSIONER: I'm sorry, I can't



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hear that. Can you just say that again?

THE WITNESS: I saw Phyllis hand

Sue the narcotic keys.

MS. CRONK: Q. And I refer you, just before we take our break --

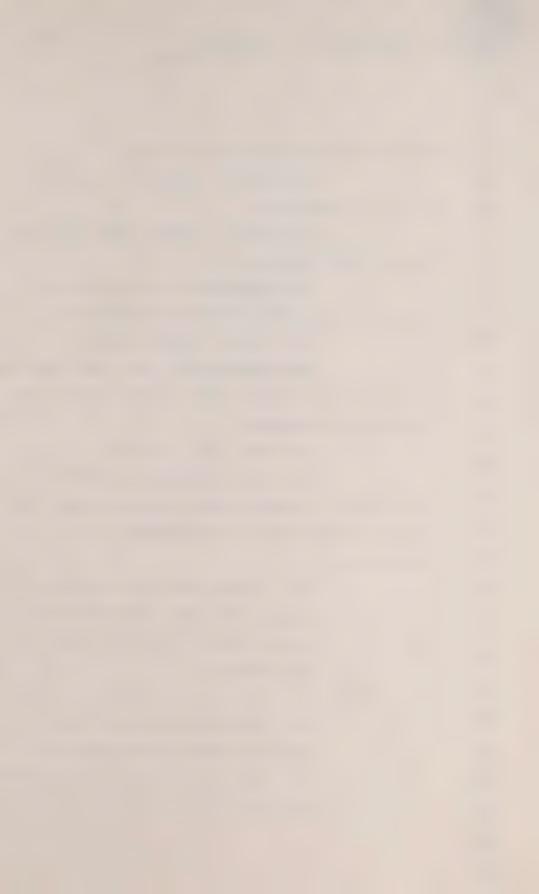
THE COMMISSIONER: Was anybody else there at the time that you saw that happening?

THE WITNESS: I can't recall.

THE COMMISSIONER: I was just wondering All right. You want to refer to some evidence that she has given elsewhere?

MS. CRONK: Yes, I do, sir.

- Q. Can I refer you to Volume 6 of your evidence at the preliminary hearing, page 1459, starting at about line 6, Ms. Brownless. The question is:
 - "Q. Do you recall any discussion amongst the nurses prior to Justin Cook's death on your shift that night about digoxin?
 - A. Yes.
 - O. And who took part in this discussion that you were aware of?
 - A. Phyllis and a doctor were talking about it.



Brownless dr. ex. (Cronk)

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- O. Do you recall what time that would be?
- A. Earlier in the evening.
- O. And do you recall any discussion between Phyllis and Susan Nelles about that?
- A. Sue asked me what they were talking about so, I went out and asked Phyllis and Phyllis came back in and talked to both of us.
- O. Phyllis talked to both you and Sue Nelles?
- A. Mm-mm.
- Q. What did she say?
- A. That we had to lock up the dig. bottles.
- O. That you had to lock up the dig. bottles. Did she say why?
- A. She didn't tell me why.
- O. Did she tell Susan?
- A. I don't know."

Now, stopping there for a moment, Ms. Brownless, I would suggest that that is a very specific reference to digoxin bottles, is it not?

A. That's correct.



Q. All right. Do you recall being asked those questions and giving those answers?

A. Yes, I do.

Q. Do you specifically recall whether or not Mrs. Trayner referred to digoxin bottles or did she refer to digoxin period?



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A. I can't say if she referred to digoxin bottles or digoxin.

Q. You have also given evidence at the preliminary hearing, under oath, about a discussion which you understood took place between Phyllis Trayner and a doctor regarding digoxin earlier in the evening, that was your evidence?

A. That's right.

Q. Can you tell me please when that discussion took place?

A. I can't say for sure.

O. Do you recall which doctor was

involved?

A. No, I can't.

Q. Do you know what the nature of the discussion was?

A. No.

Q. Do you remember anything about it

at all?

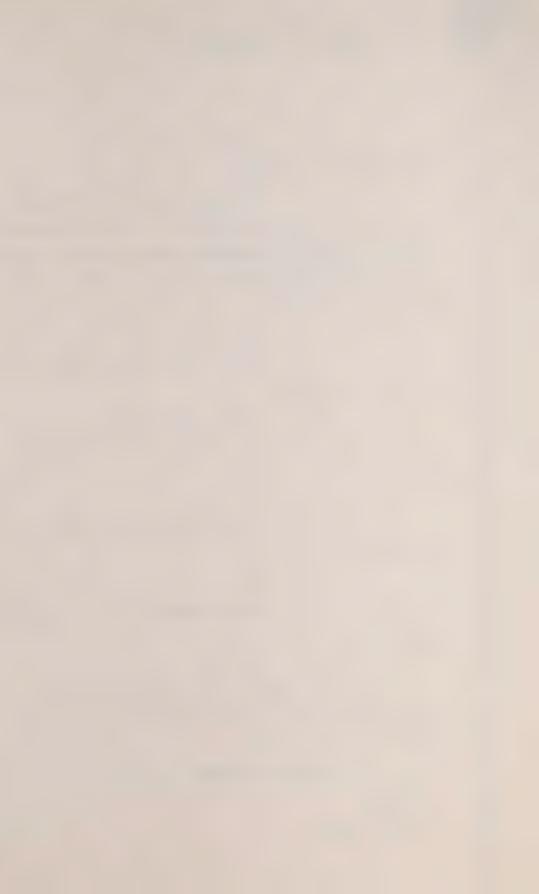
A. Nothing.

MS. CRONK: Sir, I will be about another 10 minutes, would you like to take our break now?

THE COMMISSIONER: Yes, we will take

20 minutes.

--- Short recess



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--- On resuming

THE COMMISSIONER: Were you going to say something, or do you want me to say something? MS. CRONK: Sir, I would like to finish what I was doing and perhaps we will deal with the matter.

> THE COMMISSIONER: Yes, okay.

MS. CRONK: Q. Miss Brownless, I just

have a few --

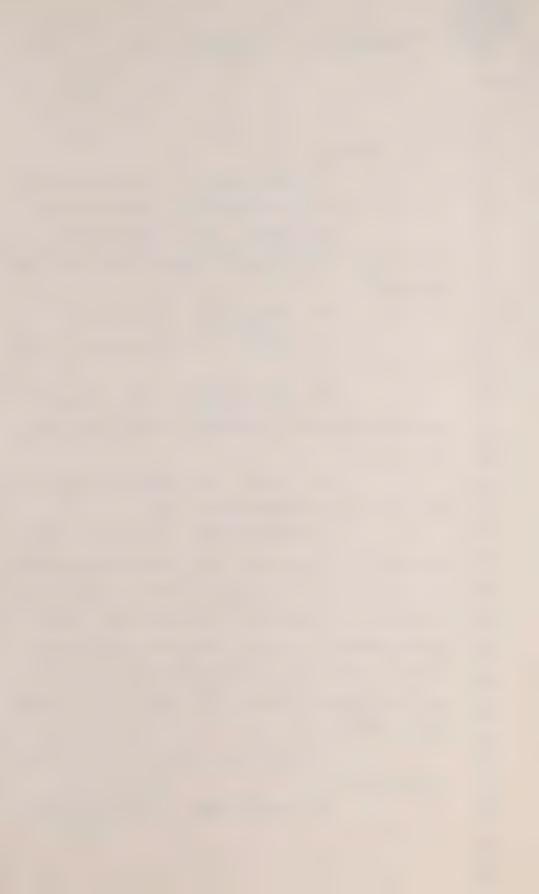
THE COMMISSIONER: That is going to tantalize everybody, nobody will listen at all to a word you say.

MS. CRONK: Well, with that incentive, sir, perhaps we had deal with it now.

THE COMMISSIONER: All right. There is going to be an argument about the admissibility of some evidence that Ms. Cronk was going to tender and I think we will just argue the matter out in camera tomorrow morning. We will have a room, and we will decide, I don't know what it's going to be, but we will have a room somewhere and if not we will squeeze into my office.

MS. CRONK: We will know by the end of the day, sir.

THE COMMISSIONER: We will argue the



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matter out and then we will come back here probably about 10 o'clock.

MS. CRONK: It will be Hearing Room No. 3, sir.

THE COMMISSIONER: Hearing Room No. 3, the last time it was Hearing Room No. 3 we all assembled at Hearing Room No. 2, but 3 is the one we will count on for tomorrow morning.

MS. SYMES: Is that on the 21st floor? THE COMMISSIONER: Oh yes, on the 21st floor. All right.

MS. CRONK: Q. Miss Brownless, before the break we were discussing the lock up of digoxin that had taken place on the wards on Saturday night. Can you tell me please at any point during the evening, or the early hours, the early morning hours, had you seen either Dr. Costigan or Dr. Mounstephen on the ward?

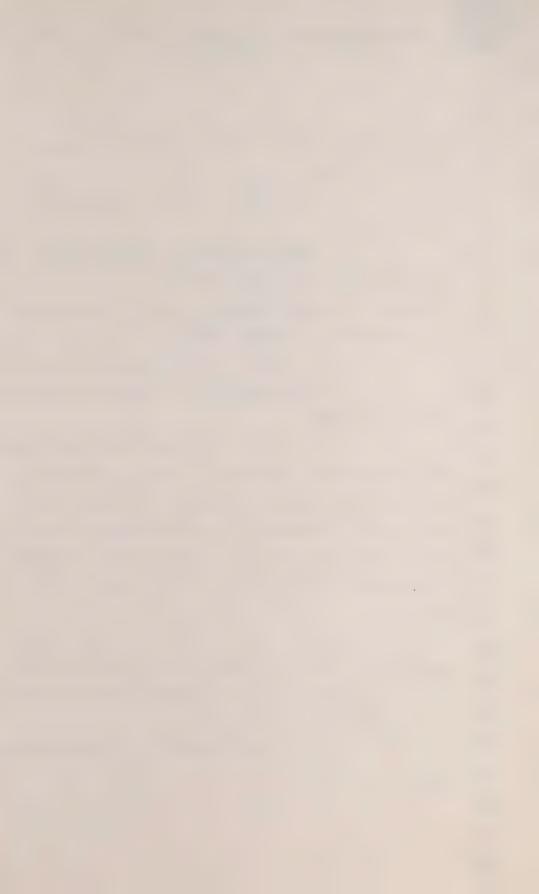
Α. I don't recall, I don't think I I don't even know who Dr. Mounstephen is.

> 0. You do know who Dr. Costigan is?

Α. Yes, I do.

No.

And you don't recall having seen 0.



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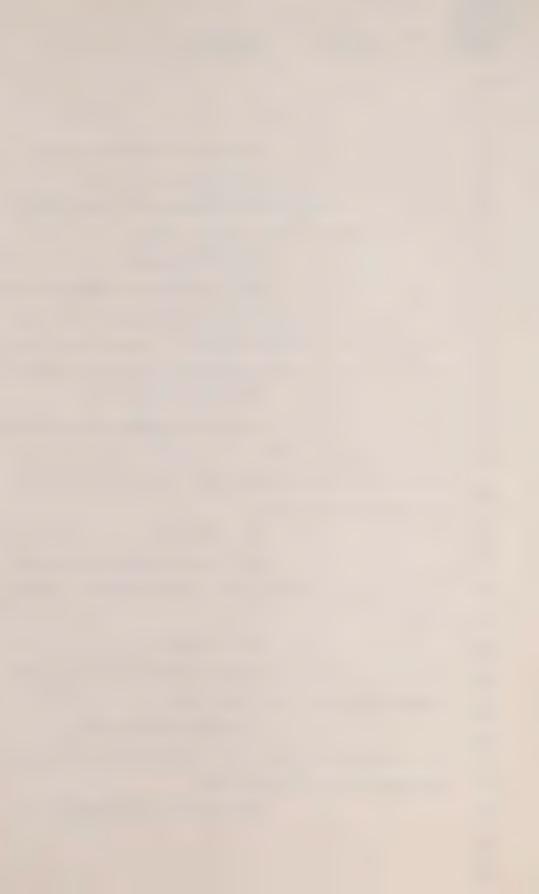
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	Q.	Following the death of Justin
Cook, can	you tell me	were there any concerns
expressed	in your pres	sence amongst any of the nurses
as to the	cause of tha	at child's death?

- Α. Not in my presence, no.
- 0. Do you recall any concerns being expressed of which you were made aware by any of the physicians who attended during the course of the night for the child, or during his arrest and resuscitation?
 - Not in my presence, no.
- To your knowledge were the nurses upset or concerned about Dr. Jedeikin's behaviour in taking the various samples from Justin Cook that you have described he took?
 - Yes, they were.
- Was it your perception that the other nurses in addition to yourself regarded that as unusual?
 - That's right. A.
- In your presence were questions Q. raised as to why he had done that?
- I was asked by Sue what Dr. Jedeikin was doing, and I told her and that was the extent of the conversation.
 - 0. By Sue are you referring to



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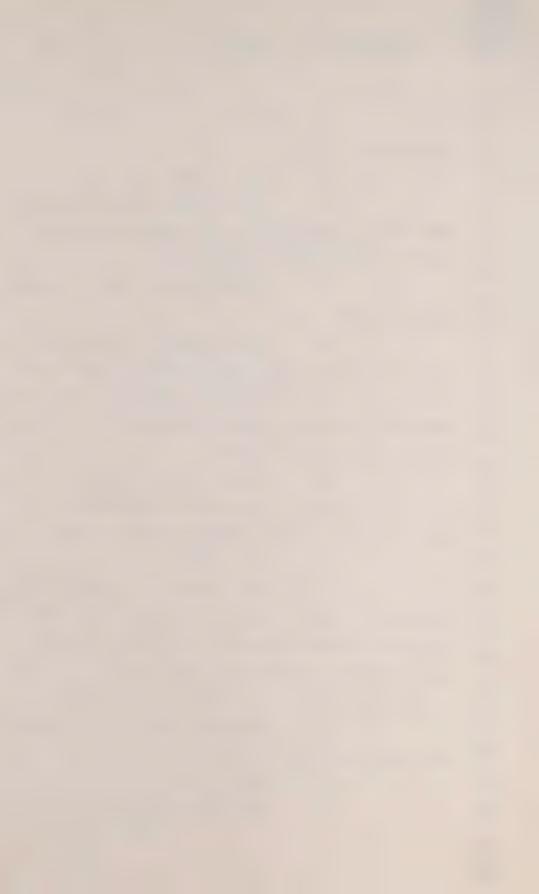
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Susan Nelles?

- Α. That's right.
- 0. Do you recall anyone other than Susan Nelles enquiring as to why, what Dr. Jedeikin had been doing or why he had done it?
- I can't say for sure if I talked to anyone else.
- 0. Did it occur to you personally, once you knew that the digoxin had been ordered to be locked up, as you heard Phyllis Trayner say, that there might be a connection between the locking up of digoxin and the death of Justin Cook?
 - I didn't connect the two at all.
- 0. Did you do so after the child had in fact died, did it cross your mind at all?
 - Α. No it didn't.
- 0. Did it occur to you once you had seen Dr. Jedeikin taking the samples that there might be a connection between his actions and some issue regarding the death of Justin Cook?
 - I am sorry, could you --
- After you knew that Dr. Jedeikin had taken those blood samples.
 - That's right. Α.
 - Q. And removed the IV bag and the IV



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tubing from Justin Cook's room, did it cross your mind then that there might be a connection between what he was doing and some issue about Justin Cook's death?

- No, it didn't cross my mind.
- 0. That didn't have that significance

for you at the time?

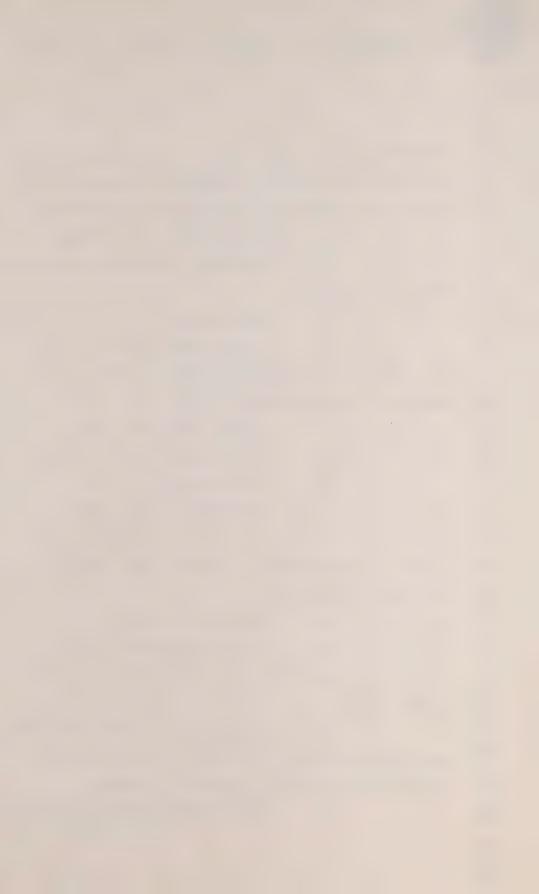
- A. That's right.
- Q. Do you recall seeing

Mrs. Radojewski that morning before you left the hospital at the end of your shift?

- I recall seeing her, yes. Α.
- 0. Do you recall when that was?
- A. In the morning.
- 0. Approximately what time?
- A. I can't say if it was before report, or after report, it was the first thing in the morning around 7:00.
 - Q. And where was that?
 - In the dirty utility room.
 - Q. Who else was present at that

time?

- Phyllis and Sue, but I can't say Α. who else, I think all the nurses who were working nights were present but I can't say for sure.
 - Phyllis Trayner and Susan Nelles? 0.



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Q. Do you recall what the discussion was about at that time?

A. I know some of the discussion was about Justin Cook's death, but I can't recall anything else being discussed.

Q. Did the nurses, did those nurses who you recall being present seem concerned about why Justin Cook had died?

A. I don't recall that impression.

Q. Do you recall whether there was discussion then about the fact that Dr. Jedeikin had taken these blood samples?

A. I think it was brought up but I can't say for sure.

Q. Do you recall specifically what was discussed at that time?

A. No.

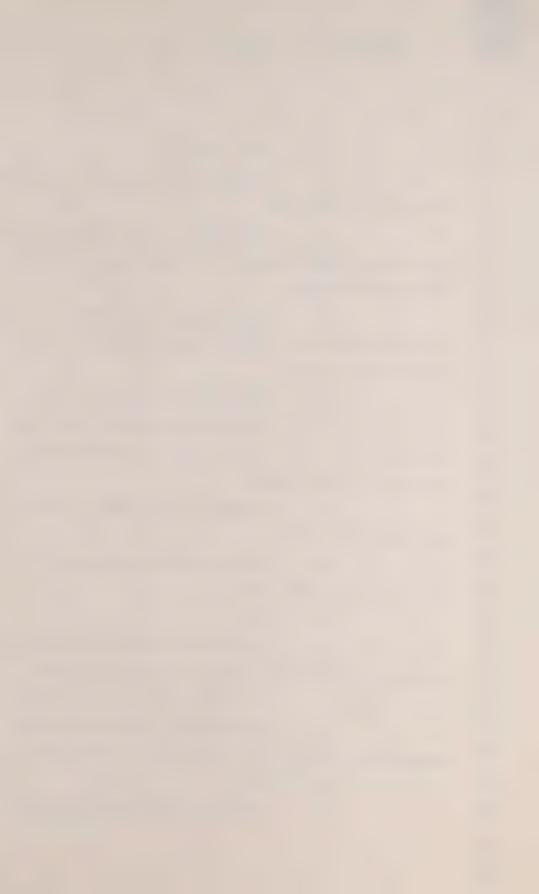
Q. Do you recall Susan Nelles having said anything during the course of that discussion?

A. No, I don't recall any comment.

Q. Do you recall specifically any comment made by Phyllis Trayner or Mrs. Radojewski?

A. No.

And you do not recall who else



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was there?

Α. That's right.

As I understand it you were scheduled to come into work on the long night shift that night as well?

> A. That's correct.

That during the course of that 0. day you were informed not to come in?

> A. That's right.

0. Who told you that?

A. Liz.

That is Mrs. Radojewski? 0.

That's correct. Α.

And what time of day was that? Q.

Α. Some time after lunch, she woke me up some time after lunch and told me not to come

> Q. Was this a telephone call to your

home?

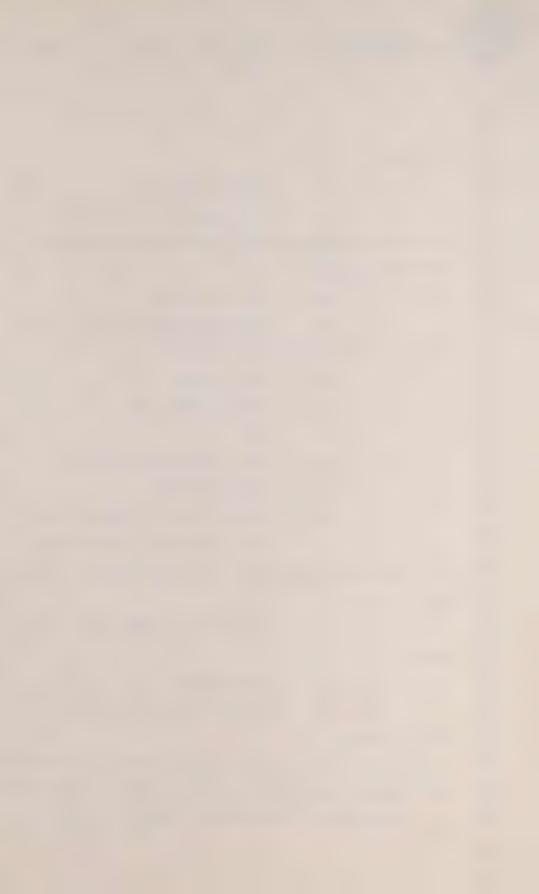
in.

Α. That's right.

0. Did she tell you why you were

not to come in?

A. She just said that all the stress that the team was under, and I said does the whole team have the night off, and she said, yes.



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Q. During the course of that day, that is at any time on the Sunday or the Sunday night, did you have any further discussions with either Phyllis Trayner, Susan Nelles or Bertha Bell?

- A. With Phyllis Trayner I did.
- Q. When was that?
- A. Right after Liz called me, I called Phyllis at home and asked her if she had the night off too, and she said that Liz hadn't called her yet and that she would call me back and that was the end of our conversation. She called me back later that evening after she spoke to Bertha on the phone, and Liz.
- Q. And what did she tell you when she called back?
- A. She told me that they had relief staff for 4A side.

THE COMMISSIONER: I am sorry, what was that, they had what?

THE WITNESS: Relief staff for 4A side replacing us.

THE COMMISSIONER: I am sorry, I still don't quite understand it, they released --

THE WITNESS: Relief staff.

THE COMMISSIONER: Oh, I beg your pardon



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THE WITNESS: I am sorry.

MS. CRONK: Q. What else did she

tell you?

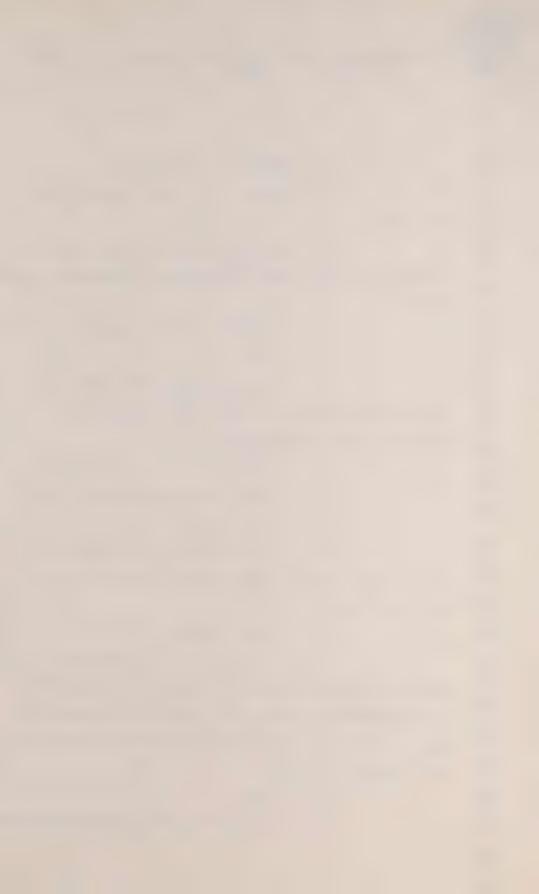
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Α. And she told me that there was supervisors on the floor checking all medications being given.

- Did she tell you anything else? Q.
- Α. No.
- Q. Did you regard the fact that there were supervisors on the floor checking all medications as being unusual?
 - Yes, I did.
 - 0. Were you concerned about that?
 - Α. Yes, I was.
- Q. Were you also concerned about the fact that you had been asked not to come in to work that night?
 - Yes, I was.
 - You have told me that Mrs.

Radojewski suggested that the reason was that there was stress on the team, and I take it on yourself as well. Did she tell you any other reason why you were not to come in to work?

- A. No.
- By the time that you received that Q.



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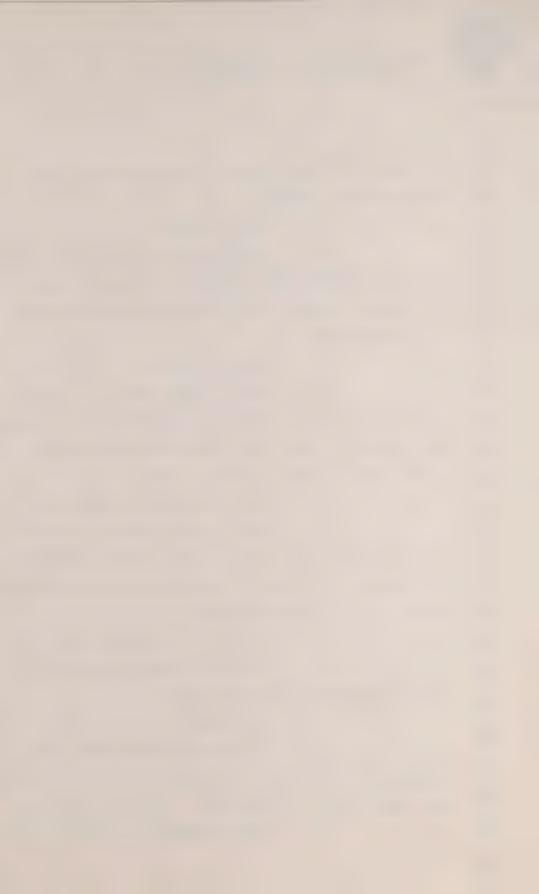
telephone call from Mrs. Trayner, I take it on the Sunday night, is that correct?

- Α. That's correct.
- 0. You knew there had been a large number of deaths on the wards, that was an observation that you made after Jordan Hines died?
 - Α. That's correct.
- You also knew and observed at that time that most of those deaths had occurred during the long night shift and the early hours of the morning?
 - Α. That's correct.
- Q. And you also knew that they had occurred predominantly in the presence of the members of the same nursing team?
 - That's correct. Α.
- And by this time, by the Sunday 0. night, you knew that Justin Cook and Allana Miller had both died?
 - Α. That's right.
- 0. You knew that the digoxin had been ordered locked up on the wards, correct?
 - That's correct. Α.
- Q. You knew that Dr. Jedeikin had taken blood samples and had removed the IV bag and the



IV tubing from Justin Cook's room and you had never seen that done before?

- A. That's right.
- Q. And now you were being told that there were supervisors on Ward 4A watching all the medications, checking all the medications being given, is that correct?
 - A. That's correct.
- Q. Did it cross your mind at that time with all that information in hand, Miss Brownless, that there might have been something unusual which caused some of those children to die?
 - A. It didn't cross my mind, no.
- O. Did it cross your mind at that time that there may have been a connection between the drug digoxin given that it had been locked up, and the deaths of any of those children?
 - A. No it didn't cross my mind.
- Q. You didn't think about any of those things on that Sunday night?
 - A. No, I didn't.
- Q. We have heard that after the arrest of at least one of these children you re-stocked the crash cart, is that correct?
 - A. That's correct.



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			Q.	Did you normally do so after a
st	on	the	ward	that occurred when you were there
			Α.	Most times, yes.

Q. We know that you were on duty when a number of children arrested and ultimately died on those wards, so you would have re-stocked the crash cart on a number of occasions?

- A. That's correct.
- Q. Was that the crash cart on 4A?
- A. That's correct.
- Q. Did you ever re-stock it on 4B?
- A. I don't think so, no.
- Q. Did you at any time during this period of time, from the commencement of your employment on that ward, until the death of Justin Cook on March 22nd, ever observe digoxin on the crash cart on 4A?
 - A. No, I didn't.
- Q. To your knowledge was it ever kept on the crash cart in Ward 4B, or do you know?
- A. I don't think it was kept on 4B's either.
- Q. Did you ever have reason to see the crash cart on Ward 4B?
- A. I can't say for sure if I looked in the drawers or not.



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Q. Would you be surprised if it had been there?

> Yes, I would have. Α.

0. Was it a drug as you understood it that would ever be used during the course of a resuscitation, or do you know?

A. I am sorry?

Was digoxin a drug that insofar as you were aware would ever be used during a resuscitation?

A. I don't think they used digoxin during resuscitation.

Q. Although you yourself told us were not very often there when drugs were given during a resuscitation effort?

That's correct.

MS. CRONK: Miss Brownless, thank you very much for your attention and your patience. Subject to tomorrow's argument, sir, those are all my questions.

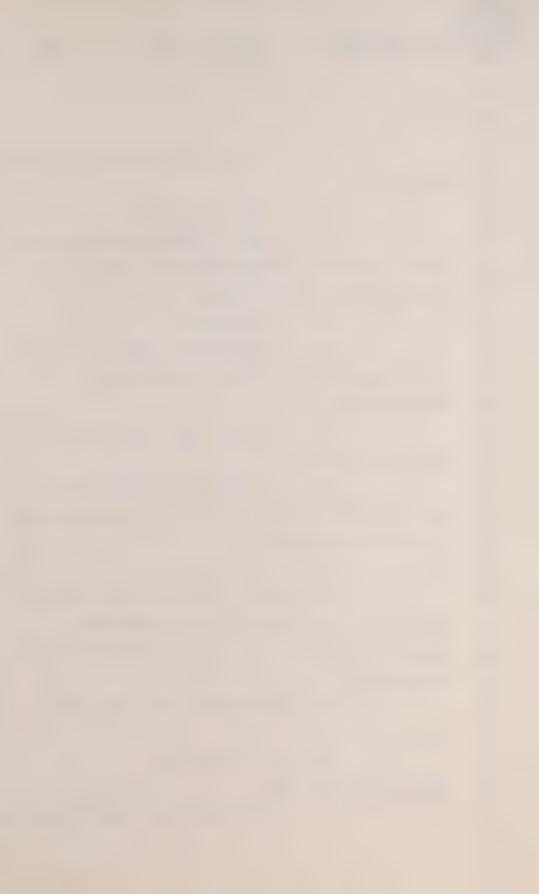
THE COMMISSIONER: Yes, all right.

Mr. Olah?

MR. OLAH: Thank you.

EXAMINATION BY MR. OLAH:

O. Miss Brownless, just following up



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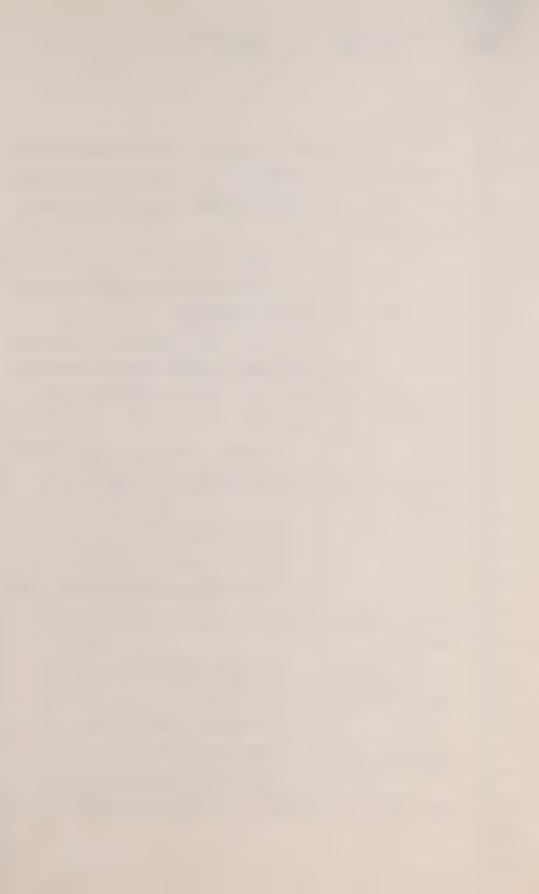
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on that last series of questions that you were asked. In addition to re-stocking the crash cart, did you at any time have to check the crash cart when you worked long nights?

- Α. Yes, I did.
- What was the purpose of checking 0. the crash cart on those occasions?
- A. Every night there was a list of duties. On most occasions it was my duty to check the crash cart, and there was a list of items that were stocked in the crash cart.
- The list, let's just pause there for a moment. The list, was it on the crash cart itself?
 - A. That's right.
 - And what was on that list?
- What was kept in each drawer and in the cupboard on the side and on top of the crash cart.
- 0. And what was the purpose of checking the crash cart?
- To make sure that it was properly stocked, that everything was on it.
- Q. Would you do this with just the crash cart on the 4A side, or would you also be



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involved with the crash cart on the 4B side?

- A. Mostly 4A.
- Q. And what did you have to do to check the crash cart; would you go through every medication on the cart?
 - A. That's correct.
- Q. And would you look at each medication, or container that the medication was in?
- A. I would look at each medication and the name and the out date on it, the expiry date.
- Q. And any of those occasions did you ever see digoxin in the crash cart?
 - A. No, I didn't.
- Q. And how often would you do it when you were on long nights; would you do it on every occasion that you were on long nights or on some occasions?
 - A. Check --
 - Q. Checking the crash cart.
 - A. When I worked long nights?
 - Q. That's correct.
- A. When I was assigned to do it I would do it, and most times after a cardiac arrest.
- Q. Now I would like to talk to you about something else. I would like to talk to you about



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something else. I would like to talk to you about Exhibit 379, the notes that you made, the handwritten notes. First of all, we have heard evidence from you already that you were interviewed by the police officers on March 25th, was it, that was the Wednesday?

- That's correct. Α.
- 0. Wednesday morning?
- Α. Yes.
- 0. Now where were these notes made, were they made in Toronto or somewhere else?

They were made at my mother's house outside of Toronto.

Can you tell us precisely how 0. much after, how many days after you were interviewed by the police that these notes were made up?

A. I think I did it either the next day or the day following.

And did you have the statement 0. that you gave to the police officers when you made up these notes?

A. No I didn't, but I did have my cheat sheet with me.

THE COMMISSIONER: I am sorry, I didn't

MR. OLAH: Cheat sheet.

Q. Is that where you, for instance,



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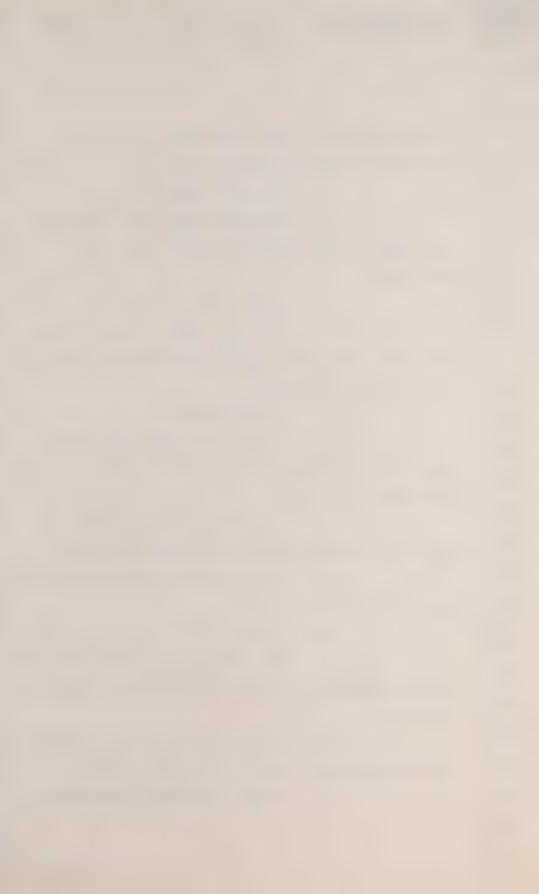
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babi	.es	that	is	found	lin	th	nese	notes?			

- Α. That is correct.
- 0. Now Miss Cronk made reference to the back of page 6, have you got a copy of the notes there?
 - Α. Yes, I do.
- 0. And you recall talking to Miss Cronk and telling her that this really wasn't made up in chronological sequence?
 - Α. That's correct.
- Can you tell the Commissioner what were you attempting to do when you were making up this page?
- Α. Just trying to write down the events that happened during the evening at work.
- 0. That is the evening relating to the Miller death?
 - That's correct.
- And then did you after that write the more comprehensive notes that are found commencing at page 4?
- The one on page 7 is referring to Α. Cook and the one on page 4 is referring to Miller.
 - Okay, I am sorry. So the one 0.



Cook?

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2	on	the	back	of	page	6	relates	to

Α.

Q. Did you write that before you started writing up pages 1 through to the end of page 3?

That's correct.

A. That's correct.

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THE COMMISSIONER: Do we have the original of that?

MR. OLAH: I'm sorry, sir?

THE COMMISSIONER: No, I'm just -oh, yes, I see. Yes, in the copy that I have on page
4, I hope everybody else's copy is better but the
words up on top are clearly Miller.

MR. OLAH: Yes, sir.

THE COMMISSIONER: Yes, right.

MR. OLAH: That's correct.

Q. Now, you have told this

Commission, Miss Brownless, that you were in effect rotated between two teams, at least two teams during the time you were on duty from, say, early September to late March of 1981?

A. That's correct.

Q. And during that time - first of all, did you develop any real close friendships with any of the members of either of the two teams that you rotated between primarily?

A. Not at work, no.

Q. Okay. And consequently I take it is that one of the reasons you believe that you may not have been aware of some of the deaths either before you came on or some of the deaths that were





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occurring in the fall of 1980?

- A. That's correct.
- 0. Now, some time in the spring or summer of 1981, that is, several months after the arrest of Susan Nelles, were you rotated on a more consistent basis either with the Trayner team or what was left with the Trayner team or some other team?
 - A. That's correct.
- And could you tell the Commissioner what kind of a scheduling you had at that time?
 - A. I don't understand what you mean?
 - Well, in relation to Mrs.

Trayner, did you continue to work with her or not?

- After Sue was arrested?
- Yes, some time say after May or 0.

June of 1981?

I worked with her occasionally, A.

yes.

- Okay. And the balance of the Q. time would I be correct in saying that you were no longer working with her but were with another team?
 - That's correct. A.
 - Would that be in the vast
- majority of the cases after May and June of 1981?



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THE COMMISSIONER: Vast majority of what that she would be with somebody else?

MR. OLAH: That's right, with another team, sir.

THE WITNESS: As best I can recall, yes

MR. OLAH: Q Okay. Now, I understand

that today you have brought with you your personal
diary that lists the days, long days and long nights,

that you worked in August and September of 1981?

A. That's correct.

THE COMMISSIONER: August and September

MR. OLAH: That's correct, sir.

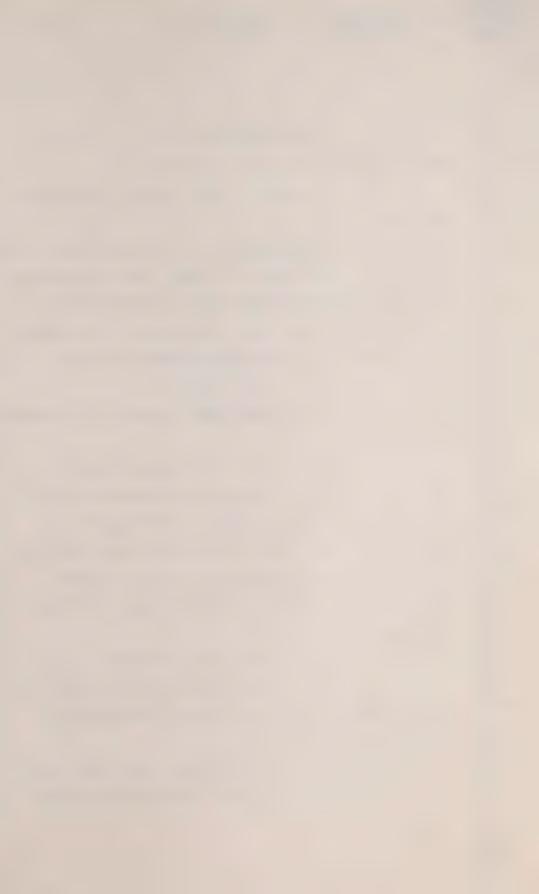
Q. Could you just assist us with reference to that pocket diary. For instance, on August 23rd, 1981, when we understand that apparently at 6:30 in the morning there were lipstick marks found on the rear window of Mrs. Trayner's car what you were doing?

A. What night was that?

Q. That would be the long night of August 23rd - the long night of the 22rd and the morning of the 23rd?

A. I was working long nights also.

O. So, you were at the Hospital





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from 7:15 the evening of the 22nd to 7:15 in the morning of the 23rd?

That's correct.

Now, for example, on August 27th there is some evidence that indicates that at 1820 in the evening there was a phone call believed to originate inside the Hospital. Where were you that evening?

A. I had just come back from my grandfather's funeral.

Okay.

THE COMMISSIONER: I'm sorry?

THE WITNESS: Came back from my grandfather's funeral.

THE COMMISSIONER: Yes, but I take it you were at home, is that right?

THE WITNESS: I was at my aunt's house.

THE COMMISSIONER: Yes, all right.

MR. OLAH: Q. And where is it, is it

in Toronto or elsewhere?

It's in Leaside.

Okay. On September the 2nd there were apparently lipstick marks found on the apartment door of Phyllis Trayner's between 4 o'clock in the evening and 7:30 in the evening. Where were you that day?



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A. I was working long days.

THE COMMISSIONER: You are taking

this from 32?

MR. OLAH: That's right, I am, sir.

THE COMMISSIONER: 32 what?

MR. OLAH: I believe it is the last

tab of 32B. It would be Tab 76.

THE COMMISSIONER: All right. We

have dealt with the 22nd and now it is the 27th, is that right?

MR. OLAH: Q I'm sorry, can we go back. I've got actually the 27th, it is the 24th at 1820 hours. Do you see that?

A. It was my day off.

Q. It was your day off, okay. And you weren't at the Hospital that day?

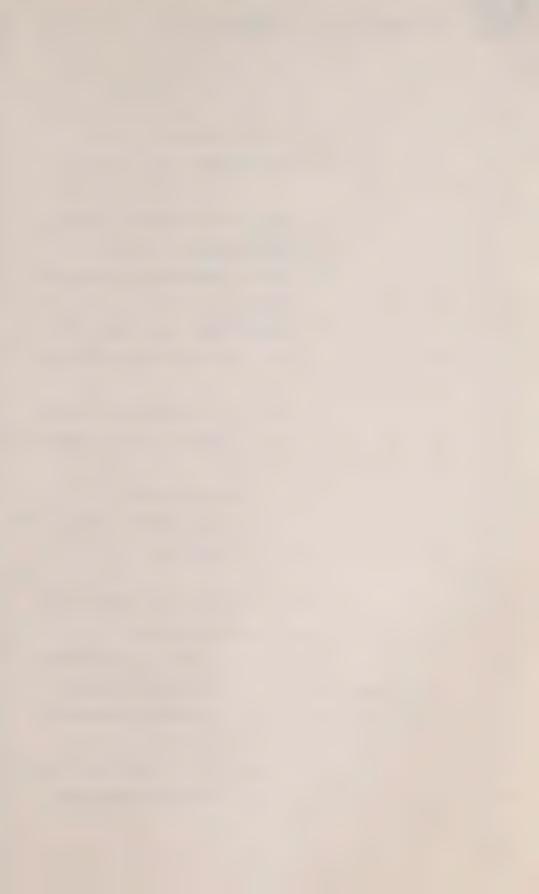
A. No.

THE COMMISSIONER: You said it was

believed to have come from the Hospital?

MR. OLAH: Yes, sir. If you have a look at the remarks in the immediate right-hand column "Nursing Supervisor believe call originated inside the hospital - female voice".

THE COMMISSIONER: Yes, I see. Well, the one we have heard, Mrs. Radojewski didn't say





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anything about that, did she? Mrs. Radojewski, did she say it came from the Hospital?

MR. OLAH: Well, I'm going from 32B and that seemed to be the suggestion here.

But clearly, you see on March 25th it says "Message received at switchboard". The switchboard would have no way of knowing whether it came from inside the Hospital or not. They must be smarter than I am if

THE COMMISSIONER: Yes, all right.

MR. OLAH: Well, maybe they have some way of knowing that but I am going from the evidence that was filed at the preliminary inquiry,

they know whether they came from inside the Hospital

it seems to suggest that that call originated inside. I don't know how they determine that.

THE COMMISSIONER: Yes, all right.

MR. OLAH: Q. I'd like to then take you to September the 20th and according to this exhibit, between 14:15 and 16:50 there were marks found on the car of Phyllis Trayner in the aboveground parking lot at HSC, at The Hospital for Sick Children. What shift did you work on that occasion?

A. The 19th I worked long nights and the 20th I worked long nights.



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Q. Okay. And on the night of September the 24th we have had evidence that in the morning actually at 1:50 in the morning there was propranolol found in the soup and salad of Phyllis Trayner and Sui Scott. On the 24th what shift were you on?

- A. Long days.
- Q. And where were you on the 25th?
- A. I was off.
- Q. Thank you. Finally, turning to October the 7th at 19:15, according to this scheduling, there was propranolol found in yogurt of Phyllis Trayner at 19:15. What shift did you work that evening?
 - A. October 7th?
 - Q. That's right.
 - A. Long nights.
- Q So, you would have come on on the ward at about 7 or 7:15?
 - A. That's correct.
- Q. Thank you. Now, Exhibit 375, could we see the exhibit please, Mr. Registrar, was a table that showed a breakdown of your long days and long nights between the Mandal team, the Trayner team and the Arbour and Shilton teams?



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A. That's correct	i.	That'	s	correct
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Q. Did you prepare this document?

A. Yes, I did.

Q. And does it accurately represent the number of shifts that you worked with the various teams as outlined therein?

A. Yes, it does.

Q. Thank you. Now, when you were being questioned by Miss Cronk yesterday I think you indicated that on the third day of your orientation program, which would have been the 27th of August, that you believed that you spent some time on Ward 4A. Do you recall giving that evidence yesterday?

A. That's correct.

Q. Can you tell the Commissioner

how long you were on the ward that day?

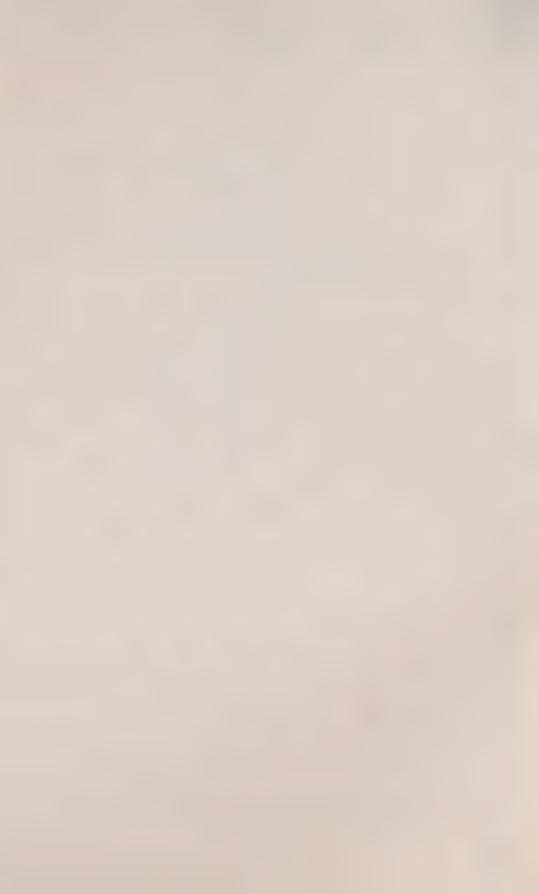
A. Until just before lunch to approximately 11:30.

Q. And what were you doing on the ward that day, do you recall?

A. To the best of my recollection we had a list of things we had to find.

Q. What kind of things.

A. Just where the different rooms were, where different supplies were kept.



Okay. Now, have you had a

Q.

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chance to look at Exhibit 376? Could we see the smaller table, please, Mr. Registrar. A. Thank you.

Have you had a chance to review Exhibit 376, in particular as to the days that you were on and off when babies arrested and died, the 36 children we are dealing with?

> Yes, I've gone over it. A.

0. And does the exhibit accurately reflect the children for whose death you were off?

Yes, it does.

Does it accurately reflect the 8 deaths that you were on for?

> Yes, it does. A.

Miss Brownless, you will be glad 0. to know that those are all the questions I have of you.

> MR. OLAH: Thank you.

THE COMMISSIONER: Yes, all right,

thank you. Mr. Brown?

MR. BROWN: I am prepared to go but if we are having a voir dire tomorrow morning I am not really sure what's going on there. I would prefer to go after we had had the voir dire.



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	MS. CRONK:	Sir, i	f I may.	Whatever
the outcome of	tomorrow morn	ning, i	t wouldn't	be my
intention to be	leading that	evide	nce even i	f that
were to be your	decision imm	mediate:	ly, I don'	t see
that, that if M	r. Brown pref	ers not	t to go no	w for
another reason,	fair enough			

THE COMMISSIONER: How about having the voir dire now?

MS. CRONK: Well, if there is a hearing room available, sir, we can certainly do that.

THE COMMISSIONER: I can tell you that at this hour of the afternoon there is bound to be a hearing room available. There would be nobody else that would be such an idiot as to be sitting at this hour.

MS. CRONK: Sir, if you would like to adjourn for five minutes, I can go up and check if there is a hearing room available.

THE COMMISSIONER: Yes, all right.

We will go and have it and then we will meet back here
at 9:30 tomorrow morning.

MS. CRONK: That's fine, sir, thank you.

--- Whereupon the Hearing was adjourned at 4:15 p.m. until 9:30 a.m., Thursday, March 8th, 1984.



